

[Doc. No. 113]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

ACCESS 4 ALL, INC., et al.,

Plaintiffs,

v.

BOARDWALK REGENCY CORPORATION
d/b/a CAESAR'S ATLANTIC CITY
HOTEL AND CASINO,

Defendant.

Civil No. 08-3817(RMB/JS)

REPORT AND RECOMMENDATION
REGARDING PLAINTIFFS' APPLICATION [MOTION]
FOR ATTORNEY'S FEES AND COSTS AND EXPERT FEES, WITH APPENDICES

This matter is before the Court on "Plaintiffs' Verified Application [Motion] for Attorney's Fees and Costs and Expert Fees" [Doc. No. 113].¹ The Court received defendants' opposition [Doc. No. 124] and plaintiffs' reply [Doc. No. 125]. The Court also held oral argument. This Report and Recommendation is issued pursuant to 28 U.S.C. §636(b). For the reasons to be discussed, the Court

¹On July 31, 2008, plaintiffs filed their complaint against Boardwalk Regency Corporation d/b/a Caesar's Atlantic City Hotel and Casino ("Caesar's") [C.A. No. 08-3817]. On September 18, 2008, plaintiffs filed their complaint against Bally's Park Place ("Bally's") [C.A. No. 08-4679]. (Caesar's and Bally's will be collectively referred to as "defendants".) The same plaintiffs filed both cases. Counsel for the plaintiffs and defendants are the same in both cases. On November 9, 2010, the Honorable Renée Marie Bumb consolidated the cases for all purposes and designated C.A. No. 08-3817 as the lead case [Doc. No. 59]. Thus, although there is now only one case, the litigation concerns two separate properties.

respectfully recommends that plaintiffs' application be GRANTED in part and DENIED in part. Plaintiffs' request a total award of \$515,479.60. As discussed in detail herein, the Court recommends an award of \$295,802.25 in attorney's fees,² \$92,800.00 in expert fees, and \$2,760.87 in costs. The total recommended award is \$391,363.12.³

BACKGROUND

At all relevant times defendants owned and/or operated casino/hotels in Atlantic City, New Jersey. Plaintiffs are disabled individuals within the meaning of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12181 et seq. Plaintiffs' allege defendants violated Title III of the ADA. The gravamen of plaintiffs' complaint is that defendants' facilities violated ADA regulations and guidelines and thereby set up architectural barriers that prevented plaintiffs' full access and enjoyment of defendants' properties.⁴

²This includes paralegal fees.

³On April 6, 2009, the Court consolidated eight (8) separate ADA actions, including this action, for discovery and case management purposes. [Doc. No. 24]. All of the cases involved hotel/casinos in Atlantic City, NJ. All of the cases except this action proceeded relatively smoothly. See C.A. No. 08-5145 (Showboat), C.A. No. 08-5237 (Harrah's), C.A. No. 08-5238 (Bally's Park Place), C.A. No. 08-5240 (Tropicana), C.A. No. 08-5243 (Showboat), and C.A. No. 08-5244 (Caesar's).

⁴For example, plaintiffs allege, inter alia, that defendants' parking lots, routes from the streets and sidewalks, guest rooms and bathrooms did not comply with applicable ADA standards and guidelines.

As will be set forth in more detail herein, the parties vigorously prosecuted, defended and litigated the case. On the eve of the scheduled August 2, 2011 trial, the parties informed the Court that the case settled. On July 29, 2011, an Order of Dismissal was entered [Doc. No. 105]. The final Order approving and entering the parties' consent decrees was entered on October 4, 2011 [Doc. No. 112]. Plaintiffs filed the present motion after the parties' unsuccessfully attempted to mediate a resolution of their attorney's fee claim.

Plaintiffs' lead counsel is Fuller, Fuller & Associates, P. A. ("Fuller") from Florida. At different times John Fuller, Esquire, and then Lawrence Fuller, Esquire, was lead counsel. Plaintiffs' local New Jersey counsel is Alan R. Ackerman, Esquire ("Ackerman"). Plaintiffs' total claim is \$515,479.60, broken down as follows:

A.	Attorney's Fees	
1.	Fuller -	\$380,353.15
2.	Ackerman -	<u>\$13,132.50</u>
	SUBTOTAL	\$393,485.65
B.	Expert Fees	\$92,800.00
C.	Costs	<u>\$29,193.95</u>
	TOTAL for Attorney's Fees, Expert Fees and Costs	<u>\$515,479.60</u>

Broken down by property, plaintiffs' claim is as follows:

I. Caesar's

<u>6/25/08 - 1/12/12</u>	<u>Hours</u>	<u>Amount</u>
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John Fuller	222.45	\$83,658.75
Lawrence Fuller	204.10	\$86,742.50
Paralegal	30.33	<u>\$3,487.95</u>
		\$173,889.00
Experts		\$42,400.00
Costs		<u>\$13,268.90</u>
TOTAL		\$229,558.10

II. Bally's

<u>8/07/08 - 1/12/12</u>	<u>Hours</u>	<u>Amount</u>
John Fuller	242.85	\$96,908.75
Lawrence Fuller	247.50	\$105,187.50
Paralegal	37.98	<u>\$4,367.00</u>
		\$206,463.95
Experts		\$50,400.00
Costs		<u>\$14,178.41</u>
TOTAL		\$271,042.36

III. Alan Ackerman

<u>7/31/08 - 7/20/11</u>	<u>Hours</u>	<u>Amount</u>
	30.90	\$13,132.50
Costs		<u>\$1,746.64</u>
TOTAL		\$14,879.14 ⁵

COMBINED TOTAL:

⁵Ackerman submitted one combined bill for Caesar's and Bally's. Albeit, defendants separated his time on Appendices 1 and 2.

Caesar's	\$229,558.10
Bally's	\$271,042.36
Ackerman	<u>\$14,879.14</u>
	\$515,479.60 ⁶

To put the present application in context, a discussion of the history of the litigation is appropriate. The Court has managed the case from its inception and is intimately familiar with all relevant proceedings.

The original named plaintiffs in the case were Peter Spalluto ("Spalluto"), individually, and Access4All, Inc.⁷ Shortly after the complaint was filed Spalluto died. On May 18, 2009, plaintiffs amended their complaint to substitute Ronald Moore as the named plaintiff [Doc. No. 29].

Throughout the case defendants focused their defense strategy on standing issues. On February 26, 2009, defendants' motions to dismiss filed on October 30, 2008 [C.A. No. 08-2817, Doc. No. 11; C.A. No. 08-4679, Doc. No. 8] were denied without prejudice. On May 28, 2010, defendants filed their motion for summary judgment. The motion was denied without prejudice on November 23, 2010 [Doc.

⁶This total figure was primarily obtained from the up-to-date bills plaintiffs attached to their Reply Brief [Doc. No. 125]. The Court also examined plaintiffs' "Itemization of Attorney's Fees, Expert Fees and Costs." [Doc. No. 126].

⁷Access4All is a not-for-profit Florida Corporation that attempts to assure that "places of public accommodation are accessible to and usable by the disabled and that its members are not discriminated against because of their disabilities." Complaint ¶7.

No. 69].⁸ Thereafter, an evidentiary hearing was held on February 24, 2011, to address defendants' standing defense. On March 28, 2011 [Doc. No. 77], defendants' motions for summary judgment were denied. On May 13, 2011, Judge Bumb scheduled the jury trial to start on August 1, 2011 [Doc. No. 84].

At the same time that the parties litigated defendants' standing defense, the parties conducted "merits" discovery. After an extended period, fact discovery was completed and expert reports were produced. After extended "haggling," the Joint Final Pretrial Order was entered on July 7, 2011 [Doc. No. 98].

As noted, the "Final Order Approving and Entering Consent Decrees and Dismissing the Cases" was entered on October 4, 2011. As to Caesar's, the settlement required it to complete the modifications and alterations noted in Caesar's expert report (John Salmen ("Salmen") of Universal Design and Consultants, Inc., dated March 9, 2010), by December 31, 2014.⁹ As to Bally's, by December 31, 2014, it was required to complete the modifications and alterations in Salmen's April 21, 2010 report.¹⁰

The parties' settlement required Caesar's and Bally's to take

⁸In the same Order Judge Bumb dismissed with prejudice plaintiffs' claims "insofar as they allege[d] injury under the ADA, which do not affect mobility--impaired individuals such as Plaintiff Moore."

⁹See Doc. No. 111-2.

¹⁰See Doc. No. 111-4.

substantial corrective actions. See Plaintiffs' Exhibit ("PExh.") B1 (Caesar's) and B2 (Bally's); see also Defendants' Expert Report PExh. H1. Without getting into great detail, remedial work had to be done on defendants' garages, public restrooms, interior paths of travel and common areas, casino floor areas, other gaming areas, baths and spas, access to restaurants, clubs and lounges, and other miscellaneous areas. The work was necessary to meet applicable ADA regulations or guidelines.

The Court's overview of the background of the case does not tell the whole story. Thus far, the Court has not mentioned that the litigation was plagued by regular discovery disputes, frequently on trivial issues. The litigation was also plagued by a lack of cooperation of counsel. Although neither side was free from blame, defense counsel shoulders the brunt of responsibility. It appeared to the Court that the initial defense attorney assigned responsibility for the file had little experience in this area of the law and was often times unprepared. This led to numerous unnecessary discovery disputes, scheduling problems, and requests for extensions of time.¹¹ By way of example only, see, e.g., Doc. Nos. 6, 40, 42, 50, 59, 88, 91. In addition, the Court was required to intercede in the parties' numerous disputes because defense counsel inexplicably ignored plaintiffs' letters, e-mails

¹¹For example, defendants repeatedly refused to inform plaintiffs if they were pursuing an undue financial hardship defense. See 42 U.S.C. §12111.

and telephone calls.

On May 11, 2010, plaintiffs informed defendants they agreed to settle based on the "findings and comments of Defendants' expert." See May 11, 2010 letter of J. Fuller, Plaintiffs' Reply Brief ("Reply") Exhibit 2, Doc. No. 125-2. Plaintiffs also sent defendants proposed Consent Decrees to sign. It appears that defendants did not respond to plaintiffs' settlement overture. This accounts for the fact that the parties did not inform the Court that they reached an agreement in principal to settle until late July, 2011, and the final Consent Decrees were not entered until October 4, 2011. It was not until the eve of the scheduled August 1, 2011 trial that the parties finally confirmed in writing that the trial could be postponed and the case dismissed.

The Court's experience in the case leads it to conclude that needless litigation took place because the parties did not cooperate. Not only was there unnecessary bickering, but it appears that the parties wasted an opportunity to settle the case in May, 2010, or shortly thereafter, for essentially the same terms approved on October 4, 2011. This caused the needless expenditure of time and money. The parties' clients were shortchanged given that substantial transaction costs were wasted and the litigation was unreasonably protracted. The Court will take this into consideration when it analyzes plaintiffs' application. Plaintiffs should not be penalized because defendants put off meaningful

settlement negotiations. For example, even though the case did not go to trial, plaintiffs had to prepare as though this would occur. Until defendants finally confirmed they agreed to settle, plaintiffs had no choice but to prepare for the scheduled August 1, 2011 trial.¹²

DISCUSSION

Plaintiffs seek attorney's fees pursuant to 42 U.S.C. §12205 which states:

In any action or administrative proceeding commenced pursuant to this chapter, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs,

¹²It is noteworthy that defendants' challenges to plaintiffs' application are directed more to individual time entries than blocks of time. Had counsel timely produced relevant discovery and responded to plaintiffs' calls, e-mails and letters, numerous discovery and scheduling disputes would have been avoided. The time spent on these unnecessary disputes was substantial. In addition, as noted, had defendants pursued serious settlement negotiations with plaintiffs in May 2010, substantial transaction costs would have been saved. Nonetheless, defendants will not be penalized for waiting until after the trial date was set to conduct settlement negotiations. Defendants had a right to pursue their standing defense which was ultimately unsuccessful. The Court's analysis of defendants' objections to plaintiffs' application, therefore, will not penalize defendants for pursuing their standing defense. However, the Court will also not penalize plaintiffs for preparing for a trial that did not occur. Accordingly, as is noted on the attached Appendices, the Court overruled defendants' objections to the time plaintiffs spent preparing for a trial that did not occur. The Court is aware that it was not until the eve of the scheduled trial that defendants agreed to settle. Plaintiffs had to prepare for trial because they were informed that the trial date would not be changed absent written confirmation that both parties agreed to settle.

In order to recover attorney's fees pursuant to this statute, a plaintiff must be a prevailing party. See Buckhannon Bd. v. West Virginia D.H.H.R., 532 U.S. 598 (2001). A plaintiff is a prevailing party if it is "awarded some relief" by the court and it "achieved an alteration in the legal relationship of the parties." Id. at 603-05. "Enforceable judgments" on the merits in court-ordered consent decrees create the "material alteration of the legal relationship of the parties necessary to permit an award of attorney's fees." Id. at 605. In view of the fact that the Court approved the parties' consent decrees on October 4, 2011, defendants do not contest that plaintiffs are prevailing parties.

Defendants argue plaintiffs are not entitled to attorney's fees because they are "professional litigants" and they "failed to give Defendants notice of, and an opportunity to remedy, any alleged ADA violations before instituting these actions." See Defendants' Brief ("Deft. Brief") in Opposition at 7, 9. Defendants cite no case law defining the term "professional plaintiff." They also cite no case law, and none has been uncovered, to support the argument that a plaintiff who files multiple ADA cases is not entitled to attorney's fees. In addition, even defendants admit there is no case law to support their argument that pre-suit notice is required under the ADA. ("Defendants acknowledge that notice and an opportunity to remedy are not legal prerequisites to the institution of an ADA Title III

action." Id. at 9.)

Plaintiffs' reliance on Association of Disabled Americans v. Neptune Designs, Inc. ("Neptune Designs"), 469 F.3d 1357 (11th. Cir. 2006), is misplaced. In that case, the plaintiffs appealed from a final Order of the District Court adopting the Magistrate Judge's Report and Recommendation which reduced the award of legal fees and expert costs on the ground that the plaintiffs failed to provide pre-suit notice of the alleged ADA violations to defendant. In its decision, the Eleventh Circuit specifically noted "the ADA does not require pre-suit notice for claims filed against private public accommodations." Id. at 1359-60. The Court further stated, "[a] person may file a suit seeking relief under the ADA without ever notifying the defendant of his intent to do so, and the district court may not dismiss the suit for lack of pre-suit notice." Id. at 1360. The Court also stated, "[w]e stress that pre-suit notice is not required to commence suit under the ADA and lack of pre-suit notice does not compel a reduction of the requested fee award." Id. at 1360.

The Court agrees, as noted in Neptune Designs, that in awarding attorney's fees the District Court has discretion to consider whether the litigation is frivolous or whether the plaintiffs failed to settle after receiving a fair offer. Id. at 1360. The Court also agrees that "where the factual record supports a finding that the plaintiffs filed or maintained a suit

unnecessarily, a district court may properly consider such a finding in setting the amount of attorney's fees." Id. at 1360. Nevertheless, there are no facts of record to support an argument that plaintiffs rejected a reasonable settlement offer, unnecessarily prolonged the litigation, or proceeded with litigation in bad faith. To the contrary, throughout the history of the case defendants ignored plaintiffs' repeated efforts to engage in meaningful settlement negotiations. In fact, even after plaintiffs informed defendants they agreed to settle on the basis of defendants' expert reports, defendants steadfastly refused to enter into meaningful settlement negotiations. Defendants' argument that plaintiffs should be denied fees because they did not give defendants "notice of an opportunity to remedy any alleged ADA violations before instituting these actions" (Deft. Brief at 9), is frivolous. Even if such notice had been given, it would have been fruitless because of defendants' litigation strategy. It was only the specter of an imminent inflexible trial date that finally motivated defendants to enter into settlement discussions.

Having determined that plaintiffs are prevailing parties, the Court turns to the issue of what fees and costs are recoverable. Reasonable attorney's fees are computed by multiplying the reasonable hourly rate by the reasonable number of hours expended. This amount is the lodestar. In calculating the lodestar formula, the Court must "carefully and critically evaluate the hours and the

hourly rate put forth by counsel." Blakey v. Continental Airlines, Inc., 2 F. Supp. 2d 598, 602 (D.N.J. 1998) (quotation omitted); see also Hensley v. Eckerhart, 461 U.S. 424, 433 (1983). The party seeking a fee is required to submit evidence to support the reasonableness of its request. Id. Plaintiffs have the burden of proof as to the reasonableness of their claimed hourly rate. Interfaith Comm. Org. v. Honeywell Intern., Inc., 426 F.3d 694, 703 n.5 (3d Cir. 2005). "It is the general rule that a reasonable hourly rate is calculated according to the prevailing market rates in the community." P.N. v. Clementon Bd. of Educ., 2007 WL 1186552, at *2 (D.N.J. April 20, 2007). This burden is normally addressed by affidavits prepared by other attorneys in the relevant legal community. Id. The relevant market is what attorneys with comparable experience bill per hour in Southern New Jersey. See L.J. ex rel. V.J. v. Audobon Bd. of Educ., 2009 WL 995458, at *11 (D.N.J. April 13, 2009) (citations omitted) (rejecting an affidavit from a Philadelphia attorney because the rates charged in a large metropolitan area are likely to be higher than those charged by attorneys practicing in Southern New Jersey).¹³

¹³Relying upon Public Interest Research Group of New Jersey, Inc. v. Windall, 51 F.3d 1179 (3d Cir. 1995), the Court disagrees with plaintiffs' argument that the entire State of New Jersey, rather than Southern New Jersey, is the relevant legal market. The Windall decision focused on the issue whether the rates in the forum state (New Jersey) should be used rather than the rates where the plaintiff's attorneys were located (Washington, DC). Id. at 1186-1188. In addition, plaintiffs have not argued that few South Jersey law firms were available to represent them. Id.

After the Court decides the appropriate hourly rate to award, the Court then must decide whether hours were "reasonably expended." To do this the Court must examine the record to determine that the hours billed are not "unreasonable for the work performed." Washington v. Philadelphia County Court of Common Pleas, 89 F.3d 1031, 1037 (3d Cir. 1996). The higher the hourly rate charged by an attorney based upon his or her skill and experience, the shorter the time it should take the attorney to perform a particular task. Apple Corps. Ltd. v. International Collectors Soc., 25 F. Supp. 2d 480, 490-91 (D.N.J. 1998) (citation omitted); Deptford Township School District v. H.B. ex rel. E.B. ("Deptford Township"), 2006 WL 3779820, at *5 (D.N.J. Dec. 21, 2006); P.N., supra, at *2. General education or background research should not be charged to the client. Spectrum Produce Distributing, Inc. v. Fresh Marketing, Inc. ("Spectrum Produce"), 2012 WL 2369367 (D.N.J. June 20, 2012) (citation omitted). Further, time to perform clerical work should not be billed at an attorney's hourly rate. Id. at *8.

As noted by the Third Circuit, "the burden remains on the party requesting the fee to prove its reasonableness, and the court has a positive and affirmative function in the fee fixing process, not merely a passive role." Interfaith Comm. Org., 426 F.3d at 713 (internal quotations and citations omitted); Loughner v. Univ. of

at 1187.

Pittsburgh, 260 F.3d 173, 178 (3d Cir. 2001) (internal quotation omitted). To the extent there is a doubt as to the amount of fees to be awarded, the doubts should be resolved against an award of fees. Spectrum Produce, supra, at *8. "This is because the party seeking to recover attorney's fees bears the burden of establishing its right to them." Veneziano v. Long Island Pipe Fabrication & Supply Corp., 238 F. Supp.2d 683, 695 (D.N.J. 2012). Attorneys requesting fees must document with specificity the hours for which reimbursement is sought. Washington, supra, at 1037; Deptford Township, supra, at *4. The burden is on the attorney to maintain records that permit the reviewing court to assess their recoverability. Hensley, supra, at 437. If the documentation of hours is inadequate, the court may reduce the award. Id. A court must do more than a cursory review of billing records and must "go line, by line" through the billing records supporting the fee request. P.N., supra, at *2 (citation omitted).

Although the Court "cannot decrease a fee award based on factors not raised at all by the adverse party," the opposing party's challenge need only be sufficiently specific to place the moving party on notice as to the grounds for the challenge. Rode v. Dellarciprete, 892 F.2d 1177, 1184 (3d Cir. 1990) (internal quotation omitted); see also Loughner, supra, at 178. Additionally, the opposing party's obligation to challenge the fee application does not eliminate the Court's obligation to determine whether the fee application is facially reasonable. Id. at 178-180

(outlining the proper standards and procedures relating to the fee application process).

Turning to the specifics of plaintiffs' application, plaintiffs seek the following hourly rates:

Lawrence A. Fuller -	\$375
John P. Fuller -	\$375
Alan R. Ackerman -	\$425
Paralegal -	\$115

Lawrence Fuller was admitted to the Florida Bar in 1974. PExh. C1.
John Fuller was admitted to the Florida Bar in 1979. PExh. C2.
Ackerman was admitted to the New Jersey Bar in 1974. Plaintiffs argue in support of their proposed rates:

[c]ourt holdings in the past few years in the District of New Jersey provide evidence of the going rate in the community. Rates ranging from \$425 to \$600 per hour have been found by the District Court of New Jersey to be reasonable in similar types of litigation over the past few years for attorneys, like Lawrence Fuller and John Fuller and Alan Ackerman, each of whom have more than 25 years of legal experience.

Plaintiffs' Memorandum of Law ("Memo of Law") at 5. However, the cases plaintiffs rely on are inapposite. See Illinois National Insurance Company v. Wyndham Worldwide Operations, Inc. ("Illinois National"), 2011 WL 2293334 (D.N.J. June 7, 2011); Gary S. Wade v. State Trooper Michael Colaner ("Wade"), 2010 WL 5479625 (D.N.J. Dec. 28, 2010). Neither of these cases was filed in the Camden vicinage. The cases also did not address ADA issues. Illinois National involved a complex insurance coverage dispute and

Wade involved an action filed pursuant to 42 U.S.C. §1983. Furthermore, simply because plaintiffs legal team was admitted to the bar more than 25 years ago does not necessarily guarantee them a high hourly rate. While this is a factor the Court considers, not all attorneys graduating the same year from law school are in lockstep. Unlike other reported cases, plaintiffs' attorneys simply included their resumes in the record and did not properly substantiate their experience in ADA cases.¹⁴

In support of their claimed hourly rates, plaintiffs rely upon the affidavits of Jonathan L. Albert, Esquire ("Albert") (PExh. I), and Anthony J. Brady, Esquire ("Brady") (PExh. I2). Neither of the affidavits is helpful. Mr. Albert is not a member of the New Jersey bar and has not submitted any evidence that he ever practiced in South Jersey.¹⁵ Nor did Albert identify with any specificity his experience litigating ADA cases. As to Brady, although he opines that plaintiffs' proposed rates are reasonable (Certification ¶5), he does not cite one New Jersey case where plaintiffs' proposed rates were awarded in an ADA case. Accordingly, the Court finds that plaintiffs have not satisfied their burden of proving that their proposed rates are reasonable

¹⁴The Court will not consider plaintiffs' unsubstantiated averments of fact (Memo. of Law at 17-18) that are not supported by an affidavit/certification.

¹⁵Mr. Albert appears to have been admitted pro hac vice in one New Jersey case pending in Newark. Certification ¶3.

and appropriate.¹⁶

Having determined that plaintiffs did not satisfy their burden as to their proposed rates, the question becomes what rates are appropriate. To answer this question the Court must use its discretion to determine the market rate. Washington, 89 F.3d at 1036; Loughner, 260 F.3d at 180 ("Having rejected the prevailing party's evidence of rates, the District Court was free to affix an adjusted rate."). To answer this question the Court looks to defendants' Opposition Brief [Doc. No. 124]. With regard to L. Fuller and A. Ackerman's pre-settlement work, defendants concede \$360 per hour rate is a reasonable rate. Deft. Brief at 10. Defendants base this figure on the \$325 per hour the Court approved for L. Fuller in Access4All v. AAMJ, LLC, 2007 WL 655491 (D.N.J. Feb. 27, 2007), plus a 9.4 inflation rate. Id. at 10-11. The Court agrees this is a reasonable rate for Messrs. Fuller and Ackerman and will award this rate. Although defendants propose \$330 per hour for J. Fuller, the Court does not approve this lower rate. J. Fuller appears to have comparable experience and expertise to L. Fuller and Ackerman and there does not appear to be a principled reason to distinguish amongst them.

The Court declines defendants' proposal to approve a lower hourly rate for defense counsel (\$120) based on the nature of the

¹⁶Although the Court agrees it is efficient to use a paralegal for certain tasks, plaintiffs did not produce any evidence to justify the proposed \$115 per hour rate.

work they did. Defendants propose that the rate for plaintiffs' counsel be reduced to \$120 per hour for work done after the case settled, e.g., preparation of plaintiffs' fee application. Deft. Brief at 10 n. 6. The Court rejects this argument. A party entitled to a fee award is also entitled to reimbursement for the time spent to prepare a fee application. Planned Parenthood of Cent. New Jersey v. Attorney General of State of New Jersey, 297 F.3d 253, 268 (3d Cir. 2002). Defendants cite no binding authority for their proposal that the time spent to prepare a fee application should be billed at a lower rate than other work on the case. However, when evaluating the hours spent on plaintiffs' fee application the Court will consider the routine nature of the work along with counsel's experience. In addition, the higher the billing rate the more efficient the work should be performed. Glass v. Snellbaker, 2008 WL 4416450 (D.N.J. Sept. 23, 2008) ("[A] significant [billing] rate buys a client the efficiency, experience and expertise of an attorney practiced at representing clients in just this type of litigation.").

As to the proposed paralegal rate, plaintiffs did not submit any proof to justify an award of \$115 per hour. The Court will only award the \$75 per hour rate conceded by defendants. Deft. Brief at 10.

Plaintiffs' request for an enhancement or multiplier on their

lodestar is denied.¹⁷ Plaintiffs' do not discuss the Supreme Court's decision in Perdue v. Kenny A. ex rel. Winn, __ U.S. __, 130 S. Ct. 1662 (2010). In that case the Court ruled that enhancements may only be awarded in "rare" and "exceptional circumstances." Id. at 1673. This conclusion derives from the notion that the lodestar figure already includes most, if not all, of the relevant factors constituting a reasonable attorney's fee. Id. The burden of proving that an enhancement is necessary is on the fee applicant. Id. The lodestar fee is "presumptively sufficient" to achieve its objective. Id.

Plaintiffs have not satisfied their burden of demonstrating that this is a "rare" and "exceptional" case where an enhancement is necessary. Insofar as the merits of the case are concerned, this was a fairly straightforward ADA case. Although defendants' facilities were not small, they were not enormous. Further, the case did not present any especially difficult or novel legal issues. The standing issue addressed by Judge Bumb was not unusual or novel and had already been addressed in other New Jersey cases. In addition, the case was not extraordinarily lengthy and plaintiffs did not outlay an exorbitant amount of out-of-pocket expenses. It is true that discovery in the case was lengthy. However, this was due more to the parties' failure to cooperate than the complexity of the litigated issues. A good indication

¹⁷See Certification of J. Albert ¶17 (opining that a multiplier of 1.7 to 2.2 is appropriate).

that an enhancement is inappropriate is the fact that it appears none was granted or agreed upon in any of the other similar consolidated cases. See n.3, infra.

Having determined the appropriate hourly rate to apply, the next issue to address is whether plaintiffs' claimed hours were reasonably spent. In this regard, the defendants prepared spreadsheets listing all of plaintiffs' time entries with hundreds of objections. Defendants' objections fit into the following main categories:

1. Duplicate entries of attorney hours.
2. Attorney hours and costs where description lacks sufficient information for fee award.¹⁸
3. Attorney hours for conduct unrelated to this action.¹⁹
4. Attorney hours and costs resulting from the long distance travel of plaintiffs' pro hac vice counsel and undocumented travel expenses.²⁰

¹⁸Attorneys seeking fees must document the hours for which compensation is requested "with sufficient specificity.... [W]here the documentation of hours is inadequate, the district court may reduce the award accordingly." Washington, 89 F.3d at 1031. Generally speaking, plaintiffs' descriptions are adequate and provide sufficient detail to identify the specific work done.

¹⁹Defendants argue that because Spalluto died during the litigation, all communications with him are immaterial. Deft. Brief at 17 n. 13. The Court disagrees. The Court also disagrees with defendants' argument that all pre-complaint communications with Moore are immaterial. Id. at n. 22. The fact that Spalluto died was not expected and was not plaintiffs' fault. The work counsel did with Spalluto contributed to the final result and should be compensated. Similarly, counsel's work with Moore in connection with the case, but before the complaint was formally amended, also contributed to the final outcome and should be compensated.

²⁰As to travel time, it is generally compensable if legal work is being performed during the travel. Glass, 2008 WL 4416450, at *9. However, the Court has discretion to reduce the

5. Attorney hours and costs related to the admission, and electronic noticing, of pro hac vice counsel.²¹
6. Attorney hours spent on unnecessary tasks.
7. Attorney hours relating to Lawrence D. Fuller's preparation for and appearance at the evidentiary hearing.²²
8. Attorney hours conducting post-complaint legal research on the issue of plaintiffs' standing in these actions.²³

claimed travel time to one-half of counsel's rate if there is no indication that legal services were rendered en route. Id. at *10. Counsels' travel time will be reduced by one-half because there is no indication they performed legal work while they traveled.

²¹To the extent the argument is made, the Court rejects the notion that none of the time spent by local New Jersey counsel is reimbursable. Courts in the District have historically compensated local counsel's time. See Perez v. Midland Funding LLC, 2011 WL 5156869, at *5 n.6 (D.N.J. Aug. 11, 2011), adopted 2011 WL 5127767 (D.N.J. Oct. 27, 2011); Employers Ins. Co. of Wausau v. Harleysville Inc., 2008 WL 5046838, at *2-3 (D.N.J. Nov. 20, 2008). Nevertheless, the Court will reduce excessive time spent on pro hac vice applications (id.), and otherwise deduct time and costs not reasonably spent or documented.

²²The Court rejects this argument. It was not unreasonable for J. Fuller and L. Fuller to both attend the February 2011 evidentiary hearing. The hearing was held in connection with defendants' key defense and was case dispositive. The plaintiffs were justified in arranging for their key counsel to prepare for and attend the hearing.

²³To the extent defendants argue that no post-complaint standing research should be compensated, the argument is rejected. Even experienced attorneys are not expected to know the nuances of all relevant standing law, and all relevant recent developments. Further, the Court believes it is unreasonable to expect plaintiffs' attorneys to respond to defendants' motions and arguments and not research the relevant law. Indeed, if the plaintiffs did not do research they could be accused of violating the Rules of Professional Conduct and Fed R. Civ. P. 11. Nevertheless, the Court closely analyzed the hours spent on plaintiffs' standing legal research to assure that only time reasonably spent is compensated. The Court's analysis identified the time spent related to specific issues, motions and briefs. While in toto the time spent may seem high, when the time is categorized it appears to the Court that most of the research

9. Attorney hours responding to defendants' standing-based dispositive motions.²⁴
10. Excessive attorney hours for the tasks completed.
11. Attorney hours for tasks which could, and should have, been performed by legal staff.
12. Attorney hours for tasks which could, and should have, been performed by a paralegal.
13. Paralegal hours for tasks which could, and should have, been performed by legal staff.
14. Excessive paralegal hours for the tasks completed.

In addition to what has already been set forth, the following discussion summarizes the legal principles the Court will apply to determine if plaintiffs' claimed hours were reasonably spent.

A prevailing party is not automatically entitled to compensation for all the time spent working on a case. The burden of establishing the reasonableness of the number of hours spent on a case is on plaintiffs, the party requesting an award. S.A. v. Riverside Delanco School Dist. Bd. of Educ., 2006 WL 827798, at *5 (D.N.J. March 30, 2006). A court may reduce hours if the attorney's time records are sloppy and imprecise and "fail to document adequately how he or she utilized large blocks of time." L.J. ex rel. V.J., 2009 WL 995458, at *17. Hours spent that are excessive, redundant and otherwise unnecessary are not compensable. Interfaith, 426 F.3d at 711. For example, "the wasteful use of highly skilled and highly priced talent for matters easily delegable to non-professionals or less experienced associates will not be tolerated." Microsoft Corp. v. United Computer Resources of

time was reasonably spent. Albeit, some deductions were made.

²⁴See discussion in n. 23, infra.

New Jersey, Inc., 216 F. Supp. 2d 383, 391 (D.N.J. 2002) (citation and quotation omitted). Further, the higher the allowed rate commanded based upon skill and experience the shorter the time it should take an attorney to perform a particular task. Employers Ins. Co. of Wausau, supra, at *4 (citation and quotation omitted). As noted in Perez, supra, at *5, "[the] Court will not allow an award of fees based on attorneys unreasonably performing the same work, the performance of unnecessary work, or expending an unreasonable number of hours on simple straightforward tasks." The Court will also exclude hours that are not reasonably expended because of excessiveness, redundancy or lack of necessity. Mosaid Tech. Inc. v. Samsung Elecs. Co., 224 F.R.D. 595, 597 (D.N.J. 2004).

As to time claimed by experts, the moving attorney also bears the burden to justify the time claimed. Interfaith Comm. Org., 426 F.3d at 714. "[T]he district court has the obligation to conduct a thorough and searching review of the time claimed by a prevailing party's experts." Id. at 714. The Court will apply the same legal principles discussed above to the claimed hourly rate and hours requested by plaintiffs' expert.

Having set forth the applicable legal principles, the Court reviewed in detail all of plaintiffs' claimed time and costs. This is consistent with the Court's obligation to "go line, by line, by line" through the billing records supporting the fee request. Evans v. Port Authority of New York and New Jersey, 273 F.3d 346,

362 (3d Cir. 2001). Attached as Appendix 1 is the Court's analysis of plaintiffs' billing for the Caesar's claim through October 14, 2011. Attached as Appendix 2 is the Court's analysis of plaintiffs' billing for the Bally's claim through October 14, 2011. The Court addressed all of defendants' objections. In the "footnote" column, the Court indicated if defendants' objection was sustained ("S") or overruled ("O"). If the objection was sustained in toto, all claimed time will be deducted, and the time to be deducted noted. If there is no indication work was conducted during travel, and as noted herein, one-half of the time will be deducted. This will be designated with a "T" with the hours to be deducted listed. If the Court sustained in part and overruled in part defendants' objection, and disallowed some but not all of the claimed hours and charges, this is indicated by "SIP" with a notation of the amount of time deducted. All hours to prepare plaintiffs' fee application are designated with an "F." The Court will separately address these hours. Defendants' spreadsheet for Caesar's (Appendix 1) runs from June 25, 2008 to October 14, 2011. Attached as Appendix 3 is the analysis of the time and costs spent on Caesar's from October 15, 2011 to January 12, 2012. The spreadsheet for Bally's (Appendix 2) runs from August 7, 2008 through October 14, 2011. Attached as Appendix 4 is the analysis of the time and costs spent on Bally's from October 15, 2011 to January 12, 2012. Several of the entries on Appendices 1 and 2 include footnotes. The notes are included as Appendix 5 and

provide further explanation for the Court's rulings on defendants' objections.

As noted, plaintiffs are entitled to reimbursement for the time spent to prepare their fee application. However, the time will be scrutinized to the same extent as the other time plaintiffs' attorneys are claiming. According to the Court's analysis, the Fuller firm spent a total of 109.4 hours preparing their fee application, broken down as follows:

	<u>Hours Spent on Fee Application</u> ²⁵		
	<u>Caesar's</u>	<u>Bally's</u>	<u>Totals</u>
John Fuller	4.2	29.7	33.9
Lawrence Fuller	<u>51.8</u>	<u>23.7</u>	<u>75.5</u>
	56.0	53.4	109.4

This summary includes the 8.4 hours J. Fuller spent on September 23 and 24, 2009, and plaintiffs' estimate of 9.0 hours to attend the fee hearing on January 12, 2009. The dollar value of plaintiffs' fee application claim is \$39,384.00 (109.4 x \$360).

Ordinarily the Court would have no hesitation in ruling that 109.4 hours to prepare a fee application is excessive. After all, the Fullers are experienced ADA litigators and have undoubtedly filed numerous fee applications. By now plaintiffs should be familiar with the applicable law and the necessity to submit descriptive time bills. Therefore, a fee application should be a

²⁵All fee application work is designated with an "F" in Appendices 1, 2, 3 and 4.

fairly straightforward matter that does not necessitate an inordinate amount of time. This case is a little different, however, because plaintiffs had to spend an excessive amount of time responding to numerous meritless objections.²⁶ The Court will take this into account in its analysis. Plaintiffs should not be penalized because they were compelled to research and respond to defendants' meritless objections. In addition, the Court will take into account the fact that defendants filed an 83 page Brief, and voluminous attachments, in response to plaintiffs' fee application [Doc. No. 120 (1-21)]. The Court struck the Brief on the ground that its length exceeded the page limitation in the Local Rules of Procedure. See December 8, 2011 Order, Doc. No. 123. Plaintiffs should not be penalized for the time they spent to review plaintiffs' Brief that was eventually struck.

Having reviewed plaintiffs' fee application closely, the Court will deduct 10 hours from J. Fuller's hours and 25 hours from L. Fuller's hours. Thus, the net hours plaintiffs may recover for their fee application is 74.4 (109.4 - 35.0). The Court's deduction is a little less than one-third of the time spent on plaintiffs'

²⁶These objections include, but are not limited to, the arguments that (1) plaintiffs are not entitled to fees because they are "professional plaintiffs"; (2) plaintiffs should have given defendants an "opportunity to cure" before they filed their lawsuit; (3) trial preparation work should not be compensated because the case settled; (4) communications with plaintiff Peter Spalluto should be deducted because he died; and (5) plaintiffs' expert fees are not recoverable because plaintiffs used "professional experts."

fee application.²⁷ The Court's analysis accounted for the fact that L. Fuller estimated he would spend 9.0 hours traveling to and attending the hearing on plaintiffs' fee application.

The following chart summarizes the Court's final computation of the number of billable hours recoverable by plaintiffs' attorneys. These totals include plaintiffs' fee application hours.

Caesar's

	Hours Claimed	Total Hours Deducted	Net Hours	Dollar Value Recoverable
J. Fuller (\$360)	222.45	19.65	202.80	\$73,008.00
L. Fuller (\$360)	204.10	23.45	180.65	\$65,034.00
Paralegal (\$75)	30.33	1.0	29.33	<u>\$2,199.75</u>
Total				\$140,241.75

Bally's

	Hours Claimed	Total Hours Deducted	Net Hours	Dollar Value Recoverable
J. Fuller (\$360)	242.85	34.15	208.70	\$75,132.00
L. Fuller (\$360)	247.50	54.95	192.55	\$69,318.00
Paralegal (\$75)	37.98	0	24.78	<u>\$1,858.50</u>
Total				\$146,308.50

Alan A. Ackerman, Esquire

	Hours Claimed	Total Hours Deducted	Net Hours	Dollar Value Recoverable
A. Ackerman(\$360)	30.90	5.20	25.70	<u>\$9,252.00</u>

²⁷For the sake of expediency, all the hours will be deducted from the totals for Bally's.

TOTAL FEES	\$295,802.25
RECOVERABLE	

With regard to expert fees, plaintiffs claim \$42,400.00 (212 hours) for Caesar's and \$50,400.00 (252 hours) for Bally's, for a total expert fee of \$92,800.00. The expert's bills are attached as PExh. F1, 2. The expert's reports are attached as PExh. E1, 2, 3, 4. The expert's billable rate is \$200.00 per hour.²⁸

Although defendants argue the time spent by plaintiffs' expert was excessive, the Court disagrees. The expert conducted comprehensive inspections of defendants' large facilities and prepared detailed reports. The complexity, length and level of detail in the expert's reports evidences the substantial time it took to complete the work. Further, substantial time had to be spent to prepare for trial. The effort was a necessity given the inflexible August 1, 2011 trial date. Thus, the Court will award plaintiffs the full amount of their expert's bills or \$92,400.²⁹

The authority to award reasonable attorney's fees "includes the authority to award reasonable out-of-pocket expenses ... normally charged to a fee-paying client in the course of providing legal services." Planned Parenthood, 297 F.3d at 267 (citation

²⁸The Court finds that \$200 for plaintiffs' expert is a reasonable rate for the work performed. Defendants do not object to the rate.

²⁹Defendants argue plaintiffs' expert fees should not be reimbursed because the experts are professional ADA litigators. Deft. Brief at 50. The argument is rejected for the same reasons defendants' similar argument regarding attorney's fees was rejected.

omitted). Nonetheless, plaintiffs cost claim documentation is deficient. Plaintiffs only provided a minimal number of receipts for significant out-of-pocket costs such as travel expenses. Plaintiffs did not even serve an affidavit averring that the listed costs were actually incurred and paid, and that they only billed for the actual costs incurred. Plaintiffs also did not provide an explanation of how they computed their copying and postage charges. As such, plaintiffs' cost claim will be significantly reduced. See Port Drivers Federation 18, Inc. v. All Saints, 2011 WL 3610100, at *10 (D.N.J. Aug. 16, 2011) (declining to reimburse undocumented costs). With regard to all claimed costs above \$50.00, the Court will only grant reimbursement if a receipt was provided. The Court will not require this level of documentation for cost claims below \$50.00. The Court's rulings on plaintiffs' claimed costs are included in Appendices 1, 2, 3, 4.

For two reasons the Court will reject any suggestion that plaintiffs should be given an opportunity to supplement their submission to supply the missing documentation. One, plaintiffs are experienced ADA litigators who have undoubtedly served numerous fee applications in their careers. Plaintiffs know or should know that they have the burden to show the reasonableness of their claimed fees and costs. Interfaith Comm. Org., 426 F.3d at 712. Second, plaintiffs have already been given an opportunity to address defendants' objections. Defendants detailed spreadsheets (Addendums 1 and 2) objected to many of plaintiffs' claimed costs

on the ground that plaintiffs' costs were "undocumented." See also Deft. Brief at 53-56. When plaintiffs filed their Reply Brief they did not take advantage of the opportunity they had to submit their missing documentation. "[A] fee request is not the opening salvo in a back and forth negotiation with the court. The request is not the sticker price on a used car that all parties understand is the starting point for spirited dickering." M.G. v. Eastern Regional High School Dist., 2009 WL 3489358, at *11 (D.N.J. Oct. 21, 2009), vacated and remanded on other grounds, 386 Fed. Appx. 186 (3d Cir. 2010).

In sum, the Court finds that the following amounts are recoverable:

Caesar's

Attorney's Fees	-	\$140,241.75
Expert Fees	-	\$42,400.00
Costs	-	<u>\$886.77</u>
		\$183,528.52

Bally's

Attorney's Fees	-	\$146,308.50
Expert Fees	-	\$50,400.00
Costs	-	<u>\$1,874.10</u>
		\$198,582.60

A. Ackerman Fees-	<u>\$9,252.00</u>
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TOTAL	\$391,363.12
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Stated another way, the following amounts are recoverable:

Attorney's Fees	-	\$295,802.25
Expert Fees	-	\$92,800.00
Costs	-	<u>\$2,760.87</u>
TOTAL		\$391,363.12

CONCLUSION

In conclusion, and for all of the foregoing reasons, it is respectfully recommended that plaintiffs' "Verified Application [Motion] for Attorneys Fees and Costs and Expert Fees" be GRANTED in part and DENIED in part. The Court recommends that plaintiffs be awarded a total of \$391,363.12. This is comprised of \$295,802.25 in attorney's fees, \$92,800.00 in expert fees, and \$2,760.87 in costs. Pursuant to Fed. R. Civ. P. 72 and L. Civ. R. 72.1(c)(2), the parties shall have fourteen (14) days from the date of service of this Order in which to file their objections with the Court.³⁰

s/Joel Schneider
JOEL SCHNEIDER
United State Magistrate Judge

DATED: June 28, 2012

³⁰According to the Court's calculation, a total of \$124,116.48 (\$515,479.60 - \$391,363.12) was deducted from plaintiffs' total claim. This results in a net reduction of approximately 24% of plaintiffs' claim.

APPENDIX 1

Access 4 All, Inc., et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

**Itemization of Attorney Hours and Costs Billed to Plaintiffs, Defendant's Objections
Thereto, and Defendant's Proposed Hourly Rates for the Work Performed**

COOPER LEVENSON APRIL
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File Nos. 52228.72 and 52226.108
Attorneys for Defendants

A	B	C	D	E	F	G	H	I	J
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduction Proposed by Defendants
1	Date								
2									
3	John P. Fuller, Esquire								
4									
5	6/25/2008 conference with Pater Spalluto to discuss matter of ADA violations at Caesar's Hotel	0	1.30	\$375	\$487.50	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$0	0.00	
6	7/5/2008 Reviewed initial reports from Herb Neff & Assoc	1	1.20	\$375	\$450.00	Time spent on research into ownership of property excessive - research could have been conducted through New Jersey Business Gateway. Remainder of entry lacks sufficient information for fee award	\$330	1.20	
7	7/16/2008 Research into ownership of facility with account, and general internet search and property search	0	1.20	\$375	\$450.00	Unnecessary to action. Research could have been conducted through New Jersey Business Gateway.	\$0	0.00	
8	7/17/2008 Reviewed agreement between Boardwalk Regency and Caesar's Atlantic City as part of researching ownership of facility	0	1.30	\$375	\$487.50	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions. The time spent on these tasks is excessive. Complaint is form complaint. As of 2007, Plaintiff Access 4 All had filed in excess of 350 ADA actions across the United States	\$0	0.00	
9	7/18/2008 prepared complaint and summons	0	2.80	\$375	\$1,050.00		\$0	0.00	
10	7/18/2008 Prepared letter to Mr. Dipalma with proposed complaint, fee agreement, statement of client's rights	1	0.40	\$375	\$150.00	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$330	0.40	
11	7/18/2008 prepared letter to Mr. Ackerman with proposed documents for review	0	0.40	\$375	\$150.00		\$0	0.00	
12	7/21/2008 and execution	1	0.30	\$375	\$112.50		\$330	0.30	
13	8/20/2008 reviewed emails from Mr. Ackerman's office in conjunction with Def's request for 60 day extension, responded thereto	1	0.20	\$375	\$75.00		\$330	0.20	
14	8/20/2008 phone call to Lauren of Cooper Levenson/left message for attorney to call me	1	0.10	\$375	\$37.50		\$330	0.10	
15	8/20/2008 phone conversation with Russell L. Lichtenstein, Esq., attorney for Defendant concerning request for 60 day extension to answer and my proposal for prompt rule 34 inspection	1	0.20	\$375	\$75.00		\$330	0.20	
16	8/20/2008 prepared email to Mr. Lichtenstein concerning offer for prompt inspection	1	0.10	\$375	\$37.50		\$330	0.10	
17	8/20/2008 prepared notes to file concerning phone conversation with Mr. Lichtenstein	1	0.10	\$375	\$37.50		\$330	0.10	
18	8/20/2008 phone conversation with Mr. Spalluto regarding phone conversation with Mr. Lichtenstein	0	0.20	\$375	\$75.00	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$0	0.00	

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
 Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants
1	Date							
19	8/20/2008 reviewed email from Mr. Lichtenstein concerning request for name of Plaintiff's expert and responded thereto	—	0.10	\$375	\$37.50		\$330	0.10
20	8/25/2008 reviewed proposed stipulation extending time to answer, and proposed consent order, phone conversation with Alan Ackerman, Esq. concerning same	—	0.30	\$375	\$112.50		\$330	0.30
21	9/2/2008 prepared email to Alan Ackerman concerning comments on proposed consent order	—	0.30	\$375	\$112.50		\$330	0.30
22	9/10/2008 phone call to Russel Lichtenstein(left message)regarding filing stipulation for extension of time to answer	—	0.20	\$375	\$75.00		\$330	0.20
23	9/10/2008 reviewed pacer regarding status of Defendant filing a motion for extension of time	—	0.10	\$375	\$37.50		\$330	0.10
24	9/10/2008 reviewed file, prepared email to Mr. Lichtenstein regarding status of request for prompt inspection and status of answer with citations of authority from the recent ninth circuit opinion on issues of number of lawsuits	—	0.40	\$375	\$150.00		\$330	0.40
25	9/10/2008 phone conversation with Alan Ackerman concerning status of matters with opposing counsel	0	0.30	\$375	\$112.50	Result of Plaintiffs' hiring of foreign counsel	\$0	0.00
26	9/12/2008 phone call to Mr. Lichtenstein, and email requesting call	—	0.20	\$375	\$75.00		\$330	0.20
27	9/24/2008 reviewed file, prepared letter to Judge Schneider regarding status of matter and uncertainty as to where the posture of the case stands	—	0.60	\$375	\$225.00		\$330	0.60
28	9/25/2008 reviewed letter/order from Judge Schneider and prepared notes to file to initiate further action	—	0.20	\$375	\$75.00		\$330	0.20
29	9/28/2008 reviewed records with gateway services on fictitious name filings for caesar's atlantic city	—	0.30	\$375	\$112.50		\$330	0.30
30	9/28/2008 prepared email to Russel Lichtenstein notifying of intent to file for default on Monday	—	0.20	\$375	\$75.00		\$330	0.20
31	9/29/2008 reviewed email from Mr. Lichtenstein on request for additional day to file answer	—	0.10	\$375	\$37.50		\$330	0.10
32	10/6/2008 reviewed def's answer in conjunction with Def's demand for a written statement of damages claimed, and researched basis of request including reviewing local and federal rules, reviewed local rule 8.1	SIP.4	0.80	\$375	\$300.00	Result of Plaintiffs' hiring of foreign counsel	\$0	0.00
33	10/7/2008 As per demand in def's answer for a written statement of damages, prepared comprehensive response setting forth basis of injunctive relief sought	—	0.80	\$375	\$300.00		\$330	0.80
34	10/8/2008 prepared motion to strike demand for jury trial and forwarded same to Mr. Lichtenstein before filing-requesting him to voluntarily withdraw claim for jury trial	—	0.70	\$375	\$262.50		\$330	0.70
35	10/8/2008 prepared email to Mr. Lichtenstein again making final request for prompt inspection to avoid protracted litigation	—	0.20	\$375	\$75.00		\$330	0.20
36	10/30/2008 Reviewed Memo of Law of defendant in support of Motion to Dismiss reviewed case law on the issue of standing and reviewed federal rules of civil procedure on issue of propriety of attaching Plaintiff's affidavit to respond to motion to dismiss	—	1.50	\$375	\$562.50		\$330	1.50
37	11/8/2008	0	2.70	\$375	\$1,012.50	Attorney hours researching standing of Plaintiffs.	\$0	0.00

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendant
1	reviewed cases on difference between factual and facial attacks on standing, and differences with motion to dismiss under Fed R Civ P 12 a 1 or 12 b6 researched whether a supporting affidavit is permitted or appropriate, further review of Defendant's Motion to determine if filed under 12b1 or 12b6.	0	1.50	\$375	\$662.50	Attorney hours researching standing of Plaintiffs.	\$0	0.00
38	11/9/2008 research law on standard to dismiss under Fed R Civ P 12b6	0 ⁴	0.50	\$375	\$187.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	0.30
39	11/9/2008 initial preparation of response to defendant's motion to dismiss	0	3.50	\$375	\$1,312.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	1.70
40	11/9/2008 further preparation of reply brief	0	3.90	\$375	\$1,462.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	2.00
41	11/11/2008 prepared email to Russel Lichtenstein re joint scheduling report	0	0.10	\$375	\$37.50	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$330	0.10
42	11/11/2008 conference with Pete Spalluto concerning past patronage at caesars and more specific information on barriers encountered	0	0.80	\$375	\$300.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$0	0.00
43	11/11/2008 further preparation of response to motion to dismiss	0	3.50	\$375	\$1,312.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	1.70
44	11/12/2008 reviewed order of court rescheduling initial conference	0	0.20	\$375	\$75.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	0.20
45	11/13/2008 further work on brief	0	3.50	\$375	\$1,312.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	1.70
46	11/13/2008 research on 3rd circuit opinions for brief	0	1.00	\$375	\$375.00	Attorney hours researching standing of Plaintiffs.	\$0	0.00
47	11/13/2008 further work on brief; further research on issue of pleading requirements, revised complaint, further draft	0	5.00	\$375	\$1,875.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	2.50
48	11/13/2008 reviewed letter order from court denying request for telephonic hearing	0	0.10	\$375	\$37.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	0.10
49	11/14/2008 further work on brief --research cites - cases on prima facie requirements for title III	0	1.00	\$375	\$375.00	Attorney hours researching standing of Plaintiffs.	\$0	0.00
50	11/14/2008 reviewed letter response to Motion to Dismiss by Defendant	0	0.60	\$375	\$225.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$330	0.60
51	11/18/2008 reviewed and revised proposed scheduling order and converted and edited same into proposed Unilateral Rule 26f scheduling report	0	1.20	\$375	\$450.00	Excessive.	\$330	0.50
52	11/23/2008 Prepared letter to Judge Schneider with proposed unilateral proposed scheduling Order	0	0.20	\$375	\$75.00	Excessive.	\$330	0.20
53	11/24/2008 Reviewed file and outlined position in preparation of initial planning conference	0	1.20	\$375	\$450.00	Excessive.	\$330	0.50
54	11/25/2008 phone conversation with Mr. Spalluto concerning initial scheduling conference and issues at hotel	0	0.40	\$375	\$150.00	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$0	0.00
55	11/25/2008 Travel to and from initial scheduling conference (divided with Balys)	0	5.00	\$375	\$1,875.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00
56	11/26/2008 attending at initial scheduling conference in Camden before Judge Schneider	0	1.00	\$375	\$375.00		\$330	1.00
57	11/26/2008 prepared notes to file concerning court's instructions at hearing and matters discussed	0	0.30	\$375	\$112.50		\$330	0.30

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I	J
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduction Proposed by Defendants
1	Date								
59	11/26/2008 phone conversation with Peter Spalluto re results of initial scheduling hearing and court's request for written protocol for rule 34 inspection	0	0.40	\$375	\$150.00	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$0	0.00	
60	11/26/2008 phone conversation with Gino Malta concerning assistance in preparation of rule 34 property inspection	1	0.40	\$375	\$150.00		\$330	0.40	
61	11/28/2008 began preparation of outline for protocol for inspection, reviewed file in conjunction therewith	0	1.70	\$375	\$637.50	Excessive.	\$330	0.90	
62	11/30/2008 further preparation of protocol for inspection-reviewed forms provided by Dept. of Justice	SIP 1.25	2.50	\$375	\$937.50	Excessive.	\$330	1.20	
63	12/2/2008 reviewed Scheduling Order of Court	SIP 1	0.30	\$375	\$112.50	Excessive.	\$330	0.20	
64	12/9/2008 reviewed and instructed staff to task court's scheduling order dated 12/1/08	5.3	0.30	\$375	\$112.50	Duplicative.	\$0	0.00	
65	12/9/2008 reviewed various checklists promulgated by the dept. of justice and general accounting office to begin process of preparing a protocol for property inspection for submission to the court	0	1.00	\$375	\$375.00	Excessive.	\$330	0.50	
66	12/15/2008 prepared plaintiffs first set of interrogatories, request for production and request for admissions	1	2.70	\$375	\$1,012.50		\$330	2.70	
67	12/15/2008 phone conversation with Herb Neff and Gino Malta concerning additional information needed in regard to rule 34 inspection as ordered by Judge Schneider	1	0.40	\$375	\$150.00		\$330	0.40	
68	12/15/2008 conference with Pete Spalluto concerning plan to comply with protocol established by Judge Schneider	0	0.30	\$375	\$112.50	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$0	0.00	
69	12/27/2008 reviewed draft of inspection protocol prepared by expert, and compared to general checklist and ADA Checklist for Lodging Facilities	0	1.00	\$375	\$375.00	Excessive.	\$330	0.50	
70	12/29/2008 conference with Peter Spalluto, Gina Mattera, Herb Neff and John Fuller to review draft of expert as to specific designation of inspection areas, and consenses on appropriate terminology	0	3.20	\$375	\$1,200.00	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	\$0	0.00	
71	12/30/2008 phone conversation with Pablo Baez concerning measurement tools	0	0.20	\$375	\$75.00	Insufficient description provided.	\$330	0.20	
72	12/30/2008 several phone conversations with Gina Mattera, expert concerning protocol and proposed area of inspection and relationship to general areas required for inspection such as accessible route to transportation area, guestrooms, etc.	0	0.60	\$375	\$225.00	Excessive.	\$330	0.30	
73	12/30/2008 reviewed department of Justice Technical Assistance Manual for applicable operative dates for involving respective standards to be used for property inspection and case law	0	0.50	\$375	\$187.50	Excessive.	\$330	0.20	
74	12/30/2008 Prepared final draft of proposed inspection protocol with exhibits including DOJ checklist, measuring devices and Map of facility	1	3.40	\$375	\$1,275.00		\$330	3.40	
75	1/22/2009 reviewed Defendant's response and objection to plaintiffs proposed inspection	0	0.40	\$375	\$150.00	Excessive.	\$330	0.20	
76	1/22/2009 reviewed file in conjunction with responding to Def's response and objection to plaintiff's proposed inspection protocol and also confirmed response date and tasked same	1	0.30	\$375	\$112.50		\$330	0.30	
77	1/26/2009 reviewed Def's response to Plaintiff's Request for Admissions	4	0.30	\$375	\$112.50		\$330	0.30	

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I	J
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Revised Hourly Rate
1	Date								
78	2/7/2009		0	\$375	\$112.50	Excessive.	\$330	0.10	
79	2/7/2009		0	\$375	\$75.00	Excessive.	\$330	0.10	
80	2/7/2009		0	\$375	\$750.00	Excessive.	\$330	1.00	
81	2/7/2009		1	\$375	\$150.00		\$330	0.40	
82	2/10/2009		1	\$375	\$75.00		\$330	0.20	
83	2/17/2009		1	\$375	\$187.50		\$330	0.50	
84	2/18/2009		1	\$375	\$112.50		\$330	0.30	
85	2/23/2009		1	\$375	\$375.00		\$330	1.00	
86	2/25/2009	T2.0	4.00	\$375	\$1,500.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	
87	2/26/2009		0.50	\$375	\$187.50		\$330	0.50	
88	3/3/2009	0	0.90	\$375	\$337.50	Discussions re: Ronald Moore prior to Moore's substitution as individual plaintiff immaterial to actions as then constituted	\$0	0.00	
89	3/31/2009	0	0.50	\$375	\$187.50	Immaterial to action.	\$0	0.00	
90	4/1/2009	0	1.00	\$375	\$375.00	Immaterial to actions as then constituted	\$0	0.00	
91	4/2/2009	T.5	1.00	\$375	\$375.00	Immaterial to action. Excessive.	\$0	0.00	
92	4/2/2009	0	1.00	\$375	\$375.00	Immaterial to action.	\$0	0.00	
93	4/6/2009	0	0.20	\$375	\$75.00	Immaterial to action.	\$0	0.00	
94	4/6/2009	1	0.40	\$375	\$150.00		\$330	0.40	
95	4/6/2009	0	0.20	\$375	\$75.00	Immaterial to action.	\$0	0.00	
96	4/7/2009	0	0.20	\$375	\$75.00	Immaterial to action.	\$0	0.00	

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduction Hours Proposed by Defendants
97 4/15/2009	preparation for hearing on status conference (divided with 3976)		0.30	\$375	\$112.50		\$330	0.30	0.00
98 4/15/2009	reviewed comments of Mr. Moore concerning treatment at Caesar's		0.30	\$375	\$112.50	Immaterial to actions as then constituted.	\$0	0.00	0.30
99 4/16/2009	attendance at hearing on status conference (divided with Bally's)		0.30	\$375	\$112.50		\$330	0.30	0.00
100 5/12/2009	prepared proposed supplemental complaint for review of Mr. Moore		1.50	\$375	\$562.50	Immaterial to actions as then constituted.	\$0	0.00	1.50
101 5/12/2009	phone conversation with Ronald Moore to review complaint and discuss same		0.30	\$375	\$112.50	Immaterial to actions as then constituted.	\$0	0.00	0.30
102 6/10/2009	prepared letter to russel Lichenstein concerning change of inspectors for rule 34 inspection		0.20	\$375	\$75.00		\$330	0.20	0.00
103 6/10/2009	received phone call from attorney Mirel concerning mechanics of inspection and his request for our expert to perform inspection		0.30	\$375	\$112.50	Immaterial to action.	\$0	0.00	0.30
104 6/23/2009	preparation for hearing to establish protocol before Judge Schneider on 6/25/09 (split with Bally's)		0.80	\$375	\$300.00		\$330	0.80	0.00
105 6/25/2009	local travel time to attend hearing on establishing protocol before Judge Schneider (divided with Bally's)		1.00	\$375	\$375.00		\$330	1.00	0.00
106 6/25/2009	attendance at hearing before Judge Schneider to establish protocol for property inspection (divided with Bally's)		1.00	\$375	\$375.00	Excessive.	\$330	0.50	0.50
107 6/29/2009	prepared notes to file as to hearing on protocol held on July 25, 2009		0.30	\$375	\$112.50		\$330	0.30	0.00
108 6/29/2009	phone conversation with Ronald Moore concerning date set by the court for his deposition on sept 9, 2009 and prepared email to Mr. Moore confirming same		0.20	\$375	\$75.00		\$330	0.20	0.00
109 7/10/2009	reviewed scheduling order and tasked dates for property inspection, discovery, settlement proposals, future conferences		0.30	\$375	\$112.50		\$330	0.30	0.00
110 7/15/2010	reviewed answer and affirmative defenses to supplemental complaint		1.00	\$375	\$375.00		\$330	1.00	0.00
111 7/25/2009	reviewed email from Russel Lichenstein re occupancy of facilities		0.20	\$375	\$75.00		\$330	0.20	0.00
112 7/25/2009	prepared response to Mr. Lichenstein concerning occupancy of facilities and demand to follow the protocol approved by the court		0.20	\$375	\$75.00		\$330	0.20	0.00
113 7/26/2009	reviewed further email from Mr. Lichenstein re refusal to "look out rooms"		0.10	\$375	\$37.50		\$330	0.10	0.00
114 7/28/2009	prepared email to Larry Fuller to verify deadline for filing Motion to Compel		0.20	\$375	\$75.00	Unnecessary.	\$0	0.00	0.20
115 7/28/2009	prepared email to Russel Lichenstein replying to his email suggesting all disabled rooms occupied, and set forth proposals to commence room inspection through provision of inspecting representative samples of rooms by category		0.30	\$375	\$112.50		\$330	0.30	0.00
116 7/29/2009	prepared email to Larry Fuller to prepare letter requesting court intervention in view of lack of cooperation from opposing counsel		0.20	\$375	\$75.00	Unnecessary.	\$0	0.00	0.20
117 8/10/2009	prepared email to Russel Lichenstein requesting a list of disabled rooms by category		0.20	\$375	\$75.00		\$330	0.20	0.00
118 8/10/2009	reviewed responsive email from Russel Lichenstein advising that he has requested disbursement list from client		0.10	\$375	\$37.50		\$330	0.10	0.00
119 8/12/2009	prepared email to Russel Lichenstein re location to commence inspection and confirming arrangements to inspect all disabled rooms in preparation for upcoming property inspection, reviewed and outlined protocol approved by the Court		0.30	\$375	\$112.50		\$330	0.30	0.00
120 8/13/2009			1.40	\$375	\$525.00	Excessive.	\$330	0.70	0.70

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 Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B Description of activity as contained in fee application (with typographical errors as in original).	C Footnote	D Hours billed	E Hourly rate proposed by Plaintiffs	F Fee proposed by Plaintiffs	G Basis for objection to specific entry	H Rate proposed by Defendants	I Hours Proposed by Defendants	J Reduced Hours Proposed by Defendants
1	Date								
121	8/14/2009 phone conversation with Robert Merli concerning his attendance at inspection		0.20	\$375	\$75.00	Immaterial to action.	\$0	0.00	0
122	8/14/2009 Reviewed email from Russel Lichenstein Esq. (sent 3:30 Friday afternoon) setting arbitrarily dates for each inspection and meeting place	1	0.20	\$375	\$75.00		\$330	0.20	0
123	8/14/2009 Reviewed protocol with expert Mattera in light of memo from Russel Lichenstein arbitrarily dates for each inspection and meeting place	1	0.40	\$375	\$150.00		\$330	0.40	0
124	8/14/2009 prepared response to Russel Lichenstein Esq to Friday afternoon email arbitrarily setting inspections on dates certain for eases's and Bally's	1	0.30	\$375	\$112.50		\$330	0.30	0
125	8/16/2009 travel to atlantic city to attend property inspection (divided with Bally's)	T.75	1.50	\$375	\$562.50	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	1
126	8/16/2009 reviewed file in further preparation for tomorrow's property inspection	1	0.50	\$375	\$187.50		\$330	0.50	0
127	8/17/2009 local travel tie to attend and return from property inspection (divided with Bally's)	T.4	0.80	\$375	\$300.00	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.	\$330	0.40	0
128	8/17/2009 attendance at property inspection (divided with Bally's)	0	4.75	\$375	\$1,781.25	Unnecessary. See Association for Disabled Americans, Inc. v. Integra Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducing all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).	\$0	0.00	4
129	8/17/2009 reviewed file with expert Mattera to discuss to map out plan for tomorrow's property inspection for the subject property	1	0.70	\$375	\$262.50		\$330	0.70	0
130	8/17/2009 reviewed file with expert Mattera to discuss to map out plan for tomorrow's property inspection for the subject property	S.7	0.70	\$375	\$262.50	Duplicative. There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.	\$0	0.00	0
131	8/18/2009 local travel time to attend and return from inspection (divided with Bally's)	T.4	0.80	\$375	\$300.00		\$330	0.40	0

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduct Hours Proposed by Defendants
1									
132	8/18/2009 attendance at property inspection (divided with Bally's)	0	4.75	\$375	\$1,781.25	Unnecessary. See Association for Disabled Americans, Inc. v. Integra Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducting all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).	\$0	0.00	4.75
133	8/18/2009 post inspection conference with expert Mattera to discuss protocol for tomorrow's inspection for the subject property	1	0.70	\$375	\$262.50	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.	\$330	0.70	0.70
134	8/19/2009 local travel time to attend and return from inspection (divided with Bally's)	T.35	0.70	\$375	\$262.50	Unnecessary. See Association for Disabled Americans, Inc. v. Integra Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducting all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).	\$330	0.40	0.40
135	8/19/2009 attendance at property inspection (divided with Bally's)	0	4.75	\$375	\$1,781.25		\$0	0.00	4.75
136	8/19/2009 conference with expert Mattera to prepare protocol for tomorrow's inspection re subject property	1	0.70	\$375	\$262.50	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.	\$330	0.70	0.70
137	8/20/2009 local travel time to attend property inspection and return therefrom (divided with Bally's)	T.35	0.70	\$375	\$262.50		\$330	0.40	0.40

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Rel Ho Prc Def
1									
138	8/20/2009 attendance at property inspection (divided with Bally's) post inspection conference with expert Mattera to review matters covered and develop a suggested plan for tomorrow's inspection for the subject property	0	4.75	\$375	\$1,781.25	Unnecessary. See Association for Disabled Americans, Inc. v. Integra Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducting all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).	\$0	0.00	
139	8/20/2009 local travel time to attend and return from inspection (divided with Bally's)	135	0.70	\$375	\$262.50	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.	\$330	0.70	
140	8/21/2009 attendance at property inspection (divided with Bally's) post inspection conference with expert Mattera for general review of inspection and discuss areas including rooms unable to inspect	0	4.75	\$375	\$1,781.25	Unnecessary. See Association for Disabled Americans, Inc. v. Integra Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducting all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).	\$0	0.00	
141	8/21/2009 travel from atlantic city to Ft. Lauderdale (divided with Bally's)	11.0	2.00	\$375	\$750.00	Attorney hours resulting from long distance travel of Plaintiffs pro hac vice counsel	\$0	0.00	
142	8/22/2009 reviewed notes re number and types of existing disabled rooms and reviewed def's answers to interrogatories and ADDAG	1	0.80	\$375	\$300.00		\$330	0.80	
143	8/23/2009								
144	8/23/2009								
145	8/23/2009								

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1	Date								
146	8/24/2009	phone conversation with Mr. Lichenstein depo scheduling secy and provided further date for depo of Mr. Moore-awaing response	0.20	\$375	\$75.00		\$330	0.20	0
147	8/24/2009	phone call to Judge Schneider's chambers to determine procedure to request extension of time for submission for expert report	0.20	\$375	\$75.00		\$330	0.20	0
148	8/24/2009	prepared email to Russel Lichenstein for consent to extend time for plaintiffs submission of expert report and to establish dates to review request for production	0.20	\$375	\$75.00		\$330	0.20	0
149	8/25/2009	phone conversation with Gene Mattera concerning number of days required to complete inspection and available dates	0.20	\$375	\$75.00		\$330	0.20	0
150	8/25/2009	prepared email to Russel Lichenstein offering dates to continue the property inspection	0.20	\$375	\$75.00		\$330	0.20	0
151	8/26/2009	extensive review of def's answers to interrogatories in order to prepare letter to Mr. Lichenstein concerning inadequacy of answers and to be followed up with letter to the court	1.50	\$375	\$562.50	Excessive.	\$330	0.90	0
152	8/26/2009	further review of response to request for production to prepare request for better responses from Mr. Lichenstein	0.50	\$375	\$187.50		\$330	0.50	0
153	8/26/2009	extensive phone conversation with Nancy Valentino concerning request for response to plaintiffs request to continue inspection, examine documents, set plaintiffs depo, and obtain list of produced documents	0.30	\$375	\$112.50		\$330	0.30	0
154	8/26/2009	prepared comprehensive request to Russel Lichenstein with supporting reasoning for better answers to certain interrogatories (divided with Bally's)	1.40	\$375	\$525.00	Excessive.	\$330	0.80	0
155	8/27/2009	further review of Defendants responses to request for production, and preparation of comprehensive email to opposing counsel, Russel Lichenstein, Esq. requesting better responses to request for production, with supporting reasoning why information requested is likely to lead to admissible evidence (divided with 3976)	0.80	\$375	\$300.00		\$330	0.80	0
156	8/27/2009	Reviewing defendants extensive first set of interrogatories, and request for production	1.00	\$375	\$375.00		\$330	1.00	0
157	8/27/2009	prepared initial outline to review with Ronald Moore in answers to interrogatories and request for production	1.30	\$375	\$487.50		\$330	1.30	0
158	8/27/2009	reviewed federal rules of civil procedure in regard to responding to def's interrogatories and request for production (divided with Bally's)	0.40	\$375	\$150.00	Unnecessary to action.	\$0	0.00	0
159	8/28/2009	phone conversation with Gene Mattera concerning issues at inspection to discuss with Ron Moore re settlement	0.40	\$375	\$150.00		\$330	0.40	0
160	8/28/2009	phone conversation with Ron Moore concerning issues at inspection	0.30	\$375	\$112.50		\$330	0.30	0
161	8/28/2009	phone call to Nancy Valentino concerning Def's position on date and time for depo, review documents, complete inspection (left message) and sent email	0.30	\$375	\$112.50		\$330	0.30	0
162	8/28/2009	phone conversation with Nancy Valentino concerning defendants response to request to extend time for submission of expert report, response for confirmation date to review documents allegedly available, and to obtain permission to continue inspection (divided with Bally's)	0.40	\$375	\$150.00		\$330	0.40	0

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1	Date								
163	8/29/2009 prepared follow up email to Nancy Valentino confirming def's position that opposed to additional time for expert report, that ask what documents we want to see, and lack of response to continue inspection	—	0.30	\$375	\$112.50		\$330	0.30	0
164	8/30/2009 Travel to Newark to meet and confer with Ron Moore-stayed overnight at Best Western to meet on 8/31/09 with Mr. Moore to review answers to interrogatories and visit subject property	TA.5	5.00	\$375	\$1,875.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	5
165	8/31/2009 conference with Ron Moore (4.0) Traveled to Atlantic City to review facility in preparation for deposition and to discuss issues re submission of proposed settlement agreement (2.0) and review Defendant's extensive first set of interrogatories and request for production (2.0)	TI.0	8.00	\$375	\$3,000.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$330	6.00	2
166	9/1/2009 Further preparation of letter - very complex (divided with Bally's)	SIP.5	1.50	\$375	\$562.50	Excessive.	\$330	0.50	1
167	9/2/2009 Preparing draft of Response to Defendant's First Request for Production and interrogatories	—	2.40	\$375	\$900.00		\$330	2.40	0
168	9/2/2009 prepared detailed letter to Judge Schneider detailing essence of non-compliance (divided with Bally's)	SIP1.0	1.50	\$375	\$562.50	Excessive.	\$330	0.50	1
169	9/3/2009 phone conversation with Ronald Moore	—	0.30	\$375	\$112.50		\$330	0.30	0
170	9/4/2009 reviewed federal rules of civil procedure re interrogatories and request for production directed at plaintiffs as opposed to a specific plaintiff (divided with Bally's)	SIP.2	0.40	\$375	\$150.00	Unnecessary to action.	\$0	0.00	0
171	9/11/2009 Reviewed letter to Judge Schneider in response to letter dated Sept. 11.	—	0.50	\$375	\$187.50		\$330	0.50	0
172	9/15/2009 prepared letter to Judge Schneider from Nancy Valentino	SIP.5	1.50	\$375	\$562.50	Excessive.	\$330	0.50	1
173	9/16/2009 conference with Ronald Moore to discuss matter	—	0.50	\$375	\$187.50		\$330	0.50	0
174	9/20/2009 Reviewed lengthy letter to Judge Schneider dated September 17, 2009	—	0.40	\$375	\$150.00		\$330	0.40	0
175	9/20/2009 Reviewed file and notes to form response to Ms. Valentino's letter	SIP.6	1.20	\$375	\$450.00	Excessive.	\$330	0.50	0
176	9/20/2009 reviewed file in preparation of hearing before Judge Schneider on issues raised in plaintiffs 9/20/09 letter and prepared notes therefor	0	1.50	\$375	\$562.50	Excessive	\$330	0.70	0
177	9/21/2009 preparation for hearing on discovery issues	0	2.00	\$375	\$750.00	Excessive.	\$330	0.80	0
178	9/21/2009 telephonic attendance at hearing on discovery issues	—	1.50	\$375	\$562.50		\$330	1.50	0
179	9/21/2009 prepared notes to file concerning court proceedings and instructed staff to task dates set by court	0	0.80	\$375	\$300.00	Excessive.	\$330	0.50	0
180	9/21/2009 prepared email to Nancy Valentino to set depo of Ronald Moore in the afternoon and reviewed response decing such request	—	0.20	\$375	\$75.00		\$330	0.20	0
181	9/21/2009 prepared proposed lett. Judge Schneider concerning dispute over time of depo and further conversation with nancy valentino where agreed on 12.30 depo	—	0.30	\$375	\$112.50		\$330	0.30	0
182	9/23/2009 initial preparation of request for payment of reasonable fees (divided with Bally's)	F	2.50	\$375	\$937.50	Attorney hours devoted to fee application.	\$110	2.50	0
183	9/24/2009 Further preparation of request for payment of reasonable fees (divided with Bally's)	F	1.70	\$375	\$637.50	Attorney hours devoted to fee application.	\$110	1.70	0
184	9/25/2009 reviewing list of facilities for which information is needed in terms of alterations and new construction --forwarded by Mr. Mattera	—	0.30	\$375	\$112.50		\$330	0.30	0

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduced Hours Proposed by Defendants
1	prepared letter to Nancy Valentino with list of facilities where information is needed in terms of new construction and alterations and confirmed other information to be provided per court order	0	0.80	\$375	\$300.00	Excessive.	\$330	0.50	0
185	9/25/2009 travel to conference with Peter DiPalma to review interrogatories	TL.2	2.00	\$375	\$750.00	Excessive.	\$330	1.00	1
186	9/26/2009 conference with Peter DiPalma to review and obtain answers to interrogatories	TL.2	1.20	\$375	\$450.00	Excessive.	\$330	1.20	0
187	9/26/2009 Further preparation of responses to interrogatories	TL.2	1.50	\$375	\$562.50	Excessive.	\$330	0.80	0
188	9/27/2009 began process of preparing Mr. core for his deposition on Oct. 16	TL.2	1.20	\$375	\$450.00	Excessive.	\$330	1.20	0
189	9/27/2009 further preparation of responses to interrogatories and request for production directed at both Plaintiffs	0	2.70	\$375	\$1,012.50	Excessive.	\$330	1.30	1
190	10/3/2009 further preparation of dep of Ronald Moore	0	2.00	\$375	\$750.00	Excessive.	\$330	2.00	0
191	10/3/2009 conference with Peter DiPalma to obtain answers to interrogatories and request for production	0	2.50	\$375	\$937.50	Duplicative.	\$0	0.00	2
192	10/3/2009 preparing responses to request for production for Access 4 All and Ronald Moore	T.5	2.50	\$375	\$937.50	Excessive.	\$330	1.30	1
193	10/3/2009 preparing documents for review by Ronald Moore in preparation of his depo	0	0.80	\$375	\$337.50	Insufficient description provided.	\$0	0.00	0
194	10/3/2009 finalizing answers to request for production and interrogatories and compiling and arranging all exhibits	T.8	2.80	\$375	\$1,050.00	Excessive.	\$330	1.40	1
195	10/3/2009 travel to home of Ron Moore to prepare for deposition	T2.0	4.00	\$375	\$1,500.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	4
196	10/4/2009 attendance at home of Ronald Moore to prepare for depo	0	3.00	\$375	\$1,125.00	Excessive.	\$330	3.00	0
197	10/5/2009 further preparation of responses to request for production	T.5	0.50	\$375	\$187.50	Excessive.	\$330	0.30	0
198	10/7/2009 finalizing interrogatories and request for production	T.5	2.50	\$375	\$937.50	Excessive.	\$330	1.20	1
199	10/27/2009 Reviewed Order of Consolidation, instructed staff	0	0.30	\$375	\$112.50	Excessive.	\$330	0.30	0
200	11/10/2010 Preparing for evidentiary hearing by reviewing opinion of court on Defendant's Motion for summary Judgment reviewing affidavit of Ronald Moore and reviewing case law on standing	0	1.50	\$375	\$562.50	Attorney hours researching standing of Plaintiffs.	\$0	0.00	1
202	12/27/2010 Preparing for evidentiary hearing - reviewing dep of Ronald Moore	0	0.70	\$375	\$262.50		\$330	0.70	0
203	12/27/2010 phone conversation with Ronald Moore in preparation for evidentiary hearing	0	0.30	\$375	\$112.50		\$330	0.30	0
204	1/10/2011 Further preparation for evidentiary hearing by rereading and outlining decision of the court denying summary Judgment and rereading testimony of Ronald Moore	0	1.20	\$375	\$450.00		\$330	1.20	0
205	1/12/2011 Research law on standing based on single act of discrimination and prepared memo to file	0	1.30	\$375	\$487.50	Attorney hours researching standing of Plaintiffs.	\$0	0.00	1
206	1/24/2011 Conference with Mr. Matiera and Larry Fuller preparing case for trial	0	5.00	\$375	\$1,875.00	Immaterial to action. Matter never tried	\$0	0.00	5
207	7/22/2011	0							
208									

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
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209				Total Attorney's Fee Plaintiffs Propose for John P. Fuller, Esquire	\$83,793.75				Total Fee Proposed by Defendants
210									
211									
212	Lawrence A. Fuller, Esquire								
213									
214	8/5/2009 Reviewing letter from opposing counsel to Court dated 8/4/09 (.3); Travel to Atlantic City for Rule 34 inspection (6.0 hours divided by 2 files = 3.0 hours)	T1.5	0.60	\$425	\$255.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$360	0.60	
215	10/13/2009 Returning to airport and return flight to Florida (6.0 hours divided by 2 files)	T1.5	3.00	\$425	\$1,275.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	
216	10/15/2009		3.00	\$425	\$1,275.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	
217	10/15/2009 Inspection at Boardwalk Regency Travel to and from New York City and attendance at Conference with Mr. Moore and Mr. Ackermann (2.0 hours divided by 2 files)	0	8.00	\$425	\$3,400.00	Unnecessary. See Association for Disabled Americans, Inc. v. Integria Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducting all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).	\$0	0.00	
218	10/29/2009 Preparing letter to opposing counsel regarding outstanding discovery issues that have to be submitted to the Court prior to the next Court Conference	T.5	1.00	\$425	\$425.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	
219	11/4/2009 Preparing letter to opposing counsel	—	0.50	\$425	\$212.50	Insufficient description provided.	\$360	0.50	
220	11/4/2009 Reviewing Caesar's More Specific Answers to Interrogatories (.6); Phone call(s) with opposing counsel (.5); Phone call(s) with opposing counsel (.4); Reviewing letter from opposing counsel dated 4/4/09 (.3)	—	0.60	\$425	\$255.00	Insufficient description provided.	\$0	0.00	
221	11/4/2009 Phone call(s) with opposing counsel (.4); Reviewing letter from opposing counsel dated 4/4/09 (.3)	—	1.30	\$425	\$552.50	Insufficient description provided.	\$360	1.30	
222	11/5/2009 Phone call(s) with opposing counsel	0	0.50	\$425	\$212.50	Insufficient description provided.	\$0	0.00	

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223 11/6/2009	Continuing Review of Defendant Caesar's updated responses to discovery and comparing Defendant's responses to expert's list of Facilities	—	1.00	\$425	\$425.00		\$360	1.00	0.0
224 11/12/2009	Telephonic status conference (6 divided with Bailly's)	—	0.30	\$425	\$127.50		\$360	0.30	0.0
225 11/13/2009	Phone call(s) with client (5); Telephone status conference Court (4)	—	0.90	\$425	\$382.50		\$360	0.90	0.0
226 11/20/2009	Phone call(s) with client regarding time, place and date of his deposition (4); Phone call(s) with opposing counsel regarding time, date and place of Mr. Moore's deposition (3)	SIP.35	0.70	\$425	\$297.50	Task could have been conducted by legal staff.	\$0	0.00	0.7
227 12/3/2009	Reviewing 165 page report of Access Solutions regarding Caesar's Hotel	0	3.40	\$425	\$1,445.00	Excessive.	\$360	2.80	0.6
228 12/14/2009	Attendance Conference with Client	—	0.40	\$425	\$170.00		\$360	0.40	0.0
229 12/17/2009	Travel to Atlantic City for deposition of plaintiff set for 12/18/09 (5 hours divided by 2 files = 2.5 hours)	TI.25	2.50	\$425	\$1,062.50	Attorney hours resulting from long distance travel of Plaintiff's pro hac vice counsel	\$0	0.00	2.5
230 12/17/2009	Attending predeposition Conference with client	—	0.40	\$425	\$170.00		\$360	0.40	0.0
231 12/18/2009	Predeposition conference with client (5); Attending deposition of client (8.0); Post deposition conference with client (5); Return flight from New Jersey to Florida (8.0); (17 total hours divided by 2 = 8.5 hours per file)	T4.0	8.50	\$425	\$3,612.50	Attorney hours resulting from long distance travel of Plaintiff's pro hac vice counsel	\$360	4.50	4.0
232 12/30/2009	Reviewing Supplemental Report of Expert describing needed modifications and cost estimates to make the modifications	—	3.50	\$425	\$1,487.50		\$360	3.50	0.0
233 12/31/2009	Preparing letter to opposing counsel regarding supplemental report (5); Preparing letter to opposing counsel regarding deposition of financial representative of of Defendants (6)	—	1.10	\$425	\$467.50		\$360	1.10	0.0
234 1/26/2010	Telephone conference with court (time divided with Bailly's case)	—	0.30	\$425	\$127.50		\$360	0.30	0.0
235 2/12/2010	Preparing proposed Consent Decree and Stipulation and proposed Order (3.2); Preparing letter to opposing counsel (6)	—	3.80	\$425	\$1,615.00		\$360	3.80	0.0
236 2/12/2010	Phone call(s) with Mr. DiPalma about proposed Consent Decree (3); Phone call(s) with Mr. Moore concerning expert report and proposed Consent Decree (4)	—	0.70	\$425	\$297.50		\$360	0.70	0.0
237 2/12/2010	Reviewing transcript of deposition of Mr. Moore (62 pages)	—	0.90	\$425	\$382.50		\$360	0.90	0.0
238 2/17/2010	Preparing for status hearing (5); Attending telephonic status hearing (5)	—	1.00	\$425	\$425.00		\$360	1.00	0.0
239 3/4/2010	Reviewing supplemental report of Plaintiff's expert providing projected costs to make repairs of ADA violations (1.0); Preparing letter to opposing counsel (2)	—	1.20	\$425	\$510.00		\$360	1.20	0.0
240 4/9/2010	Preparing letter to opposing counsel (4)	0	0.40	\$425	\$170.00	Insufficient description provided.	\$0	0.00	0.0
241 4/19/2010	Phone call(s) with Mr. Matters (2); Phone call(s) with opposing counsel (left message for Ms. Valentino (1))	—	0.30	\$425	\$127.50		\$360	0.30	0.0
242 4/22/2010	Phone call(s) with Mr. Valentino regarding Defendant's expert and dates for depositions of experts	—	0.40	\$425	\$170.00		\$360	0.40	0.0
243 4/30/2010	Reviewing Mr. Salmen's two page response to Plaintiff's expert report concerning Caesar's Hotel	—	0.30	\$425	\$127.50		\$360	0.30	0.0

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduced Hours Proposed by Defendants
1									
244	5/2/2010 (1.4) Reviewing 88 page report of expert John Salmen regarding Caesar's Hotel (4.1). Comparing findings of expert Salmen and expert Matters with Mr. Mattera (3).	0	5.50	\$425	\$2,337.50	Time spent reviewing Salmen report excessive.	\$360	2.90	2.
245	5/18/2010 Reviewing Amended Scheduling Order of 5/17/10 (3). Phone call(s) with Mr. Mattera (3).	1	0.60	\$425	\$255.00		\$360	0.60	0.
246	5/25/2010 Reviewing letter from opposing counsel to Court dated 5/24/10. Reviewing Defendant's Motion For Summary Judgment And Statement Of Facts (4.0). Reviewing deposition testimony of Moore cited in Exhibits A & B (7). Reviewing Exhibits C, D, E, and F to Motion for Summary Judgment (3). Readings cases of Dempsey, 539 Abscon, and Esposito attached as Exhibit G to Motion For Summary Judgment (1.4). Reviewing Defendant's proposed Order For Summary Judgment (2). (NOTE: Total time is 6.6 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)		0.30	\$425	\$127.50		\$360	0.30	0.
247	5/31/2010 Reviewing 7 cases cited in Defendant's Motion For Summary Judgment (4.8) (NOTE: Total time is 4.8 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	3.30	\$425	\$1,402.50	Attorney hours researching standing of Plaintiffs.	\$360	1.90	1.
248	6/1/2010 Legal research into issue of standing, and review of decisions of Access v. Trump and Disabled in Action v. Trump (2.2) (NOTE: Total time is 2.2 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	T2.0	4.80	\$425	\$2,040.00	Attorney hours researching standing of Plaintiffs.	\$0	0.00	4.
249	6/2/2010 Legal research into issue of standing, and review of decisions of Access v. Trump and Disabled in Action v. Trump (2.2) (NOTE: Total time is 2.2 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	1.10	\$425	\$467.50	Attorney hours researching standing of Plaintiffs.	\$0	0.00	1.
250	6/2/2010 Reviewing Pickern decision (5). Reviewing Steger decision (6). Reviewing Parr decision (4). Reviewing DLI decision (5) (NOTE: Total time is 2.0 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	51.1	1.10	\$425	\$467.50	Duplicative.	\$0	0.00	1.
251	6/3/2010 Starting to prepare Plaintiffs' Response To Motion For Summary Judgment (4.4) (NOTE: Total time is 4.4, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	1.00	\$425	\$425.00	Attorney hours researching standing of Plaintiffs.	\$0	0.00	1.
252	6/4/2010 Continuing preparation of Response to Motion For Summary Judgment (3.2) (NOTE: Total time is 3.2 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	2.20	\$425	\$935.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	1.10	1.
253	6/5/2010 Phone call(s) with Mr. Moore (5). Preparing Affidavit of Mr. Moore (2.1) (NOTE: Total time is 2.6, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	1.60	\$425	\$680.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	0.80	0.
254	6/7/2010 Phone call(s) with Mr. DiPalma (5). Preparing Affidavit of Mr. DiPalma (7) (NOTE: Total time is 1.20 which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	1.30	\$425	\$552.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	0.70	0.
255	6/8/2010 Park Place and Caesars Hotel and Casino)	0	0.60	\$425	\$255.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	0.30	0.

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1	Preparing Plaintiff's Response and Statement Of Material Facts (2.8); Preparing Supplemental Statements of Disputed Facts in Opposition To Motion For Summary Judgment (3.2)(NOTE: Total time is 6.0 which has been divided by 2 files Bailly's Park Place and Caesars Hotel and Casino)		3.00	\$425	\$1,275.00	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	1.50	1
256	Continuing to prepare responsive brief and distinguish cases cited by Defendant (1.8)(NOTE: Total time is 1.8 which has been divided by 2 files Bailly's Park Place and Caesars Hotel and Casino)		0.90	\$425	\$382.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	0.40	0
257	Preparing proposed Order Denying Summary Judgment (60); Making final revisions to Response To Motion For Summary Judgment (2.40); (NOTE: Total time is 3.0 which has been divided by 2 files Bailly's Park Place and Caesars Hotel and Casino)		1.50	\$425	\$637.50	Attorney hours responding to Defendants' standing-based dispositive motions.	\$360	0.70	0
258	Starting to prepare proposed Joint Final Pretrial Order (4.6)(NOTE: Total time is 4.60 which has been divided by 2 files Bailly's Park Place and Caesars Hotel and Casino)		2.30	\$425	\$977.50		\$360	2.30	0
259	Continuing to prepare proposed Joint Final Pretrial Order, (including witness and exhibit list)(2.2) (NOTE: Total time is 2.20 which has been divided by 2 files Bailly's Park Place and Caesars Hotel and Casino)		1.10	\$425	\$467.50		\$360	1.10	0
260	Preparing final draft of pretrial order for review by Defendant (2.0)(NOTE: Total time is 2.0 which has been divided by 2 files Bailly's Park Place and Caesars Hotel and Casino)		1.00	\$425	\$425.00		\$360	1.00	0
261	Preparing Responses to Order to Show Cause (2.7 Hours)		2.70	\$425	\$1,147.50		\$360	2.70	0
262	Phone call(2) with Ackerman (4); Preparing revisions to final draft of Response To Orders to Show Cause (8)		1.20	\$425	\$510.00		\$360	1.20	0
263	Reviewing Amended Scheduling Order of 6/21/10		0.20	\$425	\$85.00		\$360	0.20	0
264	Reviewing Defendant Boardwalk's Reply Brief		1.00	\$425	\$425.00		\$360	1.00	0
265	Preparing letter to Court in response to Defendant's letter of 6/2/11		1.30	\$425	\$552.50		\$360	1.30	0
266	Telephone conference with Court (1.0); Preparing letter to Court along with proposed Order (1.2); Preparing letter to opposing counsel along with revised Joint Pretrial Order (8)		3.00	\$425	\$1,275.00	Time spent on letters excessive. Insufficient description provided.	\$360	2.00	0
267	Preparing letter to opposing counsel (5); Reviewing Order of 6/8/11 (3)		0.80	\$425	\$340.00		\$360	0.30	0
268	Phone call(s) with opposing counsel (left message)(1); Preparing letter to Court (0.6)		0.70	\$425	\$297.50	Time spent on letter excessive.	\$360	0.40	0
269	Preparing for a attending telephonic status conference with Judge Schneider		0.80	\$425	\$340.00		\$360	0.80	0
270	Reviewing defendant's additional changes of 7/1/11 to joint final pretrial order (4)		0.40	\$425	\$170.00	Notices of depositions could have been prepared by legal staff. Time spent preparing notices of depositions excessive. Time spent preparing letter containing proposed stipulation of Mr. Dipalma excessive.	\$360	0.40	0
271	Phone call(s) with opposing counsel (6); Preparing Notice of Depositions of Defendants representatives (1.0); Reviewing Text Order of 7/7/11 (3); Preparing letter to opposing counsel containing proposed Stipulation instead of live testimony of Mr. Dipalma (8); Preparing second stipulation for opposing counsel to sign (4)		3.10	\$425	\$1,317.50		\$360	1.70	0
272									

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1	Final Preparation of direct examination of Boardwalk's representatives set for deposition on July 19, 2011	-	2.80	\$425	\$1,190.00		\$360	2.80	
273	7/14/2011 Phone call(s) with Mr. Moore (4); Phone call(s) with Mr. Mattera about recent observations at Bailly's & Caesars (8)	-	1.20	\$425	\$510.00		\$360	1.20	
274	7/17/2011 Preparing proposed Final Judgment Against Caesars	-	2.50	\$425	\$1,062.50		\$360	2.50	
275	7/18/2011 Phone calls with Mr. DiPalma (4); Phone call(s) with Mr. Mattera (4); Preparing letter to Court (8); Preparing list of policies and procedures to implement at Bailly's & Caesars (3.2)	-	4.80	\$425	\$2,040.00		\$360	4.80	
276	7/19/2011 Phone call(s) with opposing counsel (3); Preparing modified letter to Court (4); Phone call(s) with Mr. Mattera regarding direct exam at trial (1.0)	0	1.70	\$425	\$722.50	Insufficient description provided	\$360	1.70	
277	7/20/2011 Trial preparation, including conference with John Fuller and Mr. Mattera, and preparing cross examination of Defendants' expert	0 3	5.00	\$425	\$2,125.00	Immaterial to action. Matter not tried.	\$0	0.00	
278	7/22/2011 Phone call(s) with Mr. Moore preparing direct examination (7); revising proposed memorandum and Final Judgment (2.0)	0 3	2.70	\$425	\$1,147.50	Immaterial to action. Matter not tried.	\$0	0.00	
279	7/22/2011 Reviewing deposition transcript of testimony of Mr. Moore	0 3	1.00	\$425	\$425.00	Immaterial to action. Trial preparation. Matter not tried.	\$0	0.00	
280	7/25/2011 Preparing direct exam of expert Mattera (3.5); Continuing preparation of direct exam of Mr. Moore (2.5)	0 3	6.00	\$425	\$2,550.00	Immaterial to action. Matter not tried.	\$0	0.00	
281	7/25/2011 Reviewing amendment to final pretrial Order	-	0.40	\$425	\$170.00		\$360	0.40	
282	7/26/2011 Preparing letter to opposing counsel	0	0.70	\$425	\$297.50	Insufficient description provided.	\$0	0.00	
283	9/14/2011 Legal Research of NJ case law regarding reasonable attorney fees and hourly award for attorney fees (2.6 hrs/2 files=1.3hrs)	SIF. 3	1.30	\$425	\$552.50	Attorney hours devoted to fee application.	\$120	1.30	
284	9/14/2011 Preparing letter to opposing counsel regarding deadline of Sept 27, 2011, for filing Consent Decree (7); Reviewing letter from opposing counsel dated 9/15/11 (4); Reviewing file in preparation for settlement conference on 9/23/11 (7); Phone call(s) with client (3) (1.0hrs/2 files= 5)	SIF. 6	0.50	\$425	\$212.50	Time spent drafting letter excessive.	\$360	0.30	
285	9/15/2011 Preparing letter to opposing counsel	0	0.60	\$425	\$255.00	Insufficient description provided.	\$0	0.00	
286	9/19/2011 Phone call(s) with mediator (3); Preparing letter to Court (6); Phone call(s) with Mr. Ackerman (4); Phone call(s) with opposing counsel (4)	SIF. 3	1.70	\$425	\$722.50	Time spent drafting letter to Court excessive.	\$360	1.40	
287	9/20/2011 Travel time to get from Florida to Atlantic City (4.0hrs/2 files=2 hrs)	T1.0	2.00	\$425	\$850.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	
288	9/23/2011 Attending Settlement Conference (4.0hrs/2 files=2.0 hrs)	-	2.00	\$425	\$850.00		\$360	2.00	
289	9/23/2011 Travel time to return to Florida from after Settlement Conference on 9/23/11 (4hrs/2 files=2.0 hrs)	T1.0	2.00	\$425	\$850.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	\$0	0.00	
290	9/25/2011 9/26/2011 Starting to prepare Statement of Facts for fee application (2hrs/2 files=1.0 hr)	F	1.00	\$425	\$425.00	Attorney hours devoted to fee application.	\$120	1.00	
291	9/26/2011 Reviewing Lanni v. State of NJ; Reviewing Truesdell v. The Philadelphia Housing Authority (2.0hrs/2 files=1.0)	F	1.00	\$425	\$425.00	Attorney hours devoted to fee application.	\$120	1.00	
292	9/27/2011 Reviewing Ellis v. Ethicon; Reviewing Illinois National v. Wyndham	F	0.80	\$425	\$340.00	Attorney hours devoted to fee application.	\$120	0.80	
293	9/28/2011 (1.0hrs/2 files= 8)	F	0.80	\$425	\$340.00	Attorney hours devoted to fee application.	\$120	0.80	

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1	9/29/2011 Reviewing Wade v. State Trooper. Reviewing Public Interest Research v. Windall (1.0hrs/2 files=5)	F	0.50	\$425	\$212.50	Attorney hours devoted to fee application.	\$120	0.50	0
294	9/29/2011 Preparing discussions in fee application concerning corrective measures to be undertaken (2.0hrs/2 files=1.0)	EE	1.00	\$425	\$425.00	Attorney hours devoted to fee application.	\$120	1.00	0
295	9/30/2011 Continuing to prepare Fee Application (4.0hrs/2 files=2.0)	EE	2.00	\$425	\$850.00	Attorney hours devoted to fee application.	\$120	2.00	0
296	10/3/2011 Phone call(s) with expert Jonathan Alpert (3); Preparing discussion in brief and demonstrate time required in consolidated dates (1.1) (1.4hrs/2 files=7)	F	0.70	\$425	\$297.50	Attorney hours devoted to fee application.	\$120	0.70	0
297	10/4/2011 Preparing discussions in fee application concerning time & labor required. Reviewing Prandini v. National Tea Company (2.0hrs/2 files=1.0)	EE	1.00	\$425	\$425.00	Attorney hours devoted to fee application.	\$120	1.00	0
298	10/5/2011 Conference with expert Mr. Alpert (2.0); Phone call(s) with Mr. Brady (5.5); Preparing Certificate of Mr. Brady (7) (3.2hrs/2 files=1.6hrs)	EE	1.60	\$425	\$680.00	Attorney hours devoted to fee application.	\$120	1.60	0
299	10/10/2011 Preparing listing of injunction relief obtained at Caesars Hotel & Casino. Preparing listing of injunction relief obtained at Bally's Hotel & Casino (6.0hrs/2 files=3.0)	EE	3.00	\$425	\$1,275.00	Attorney hours devoted to fee application.	\$120	3.00	0
300	10/11/2011 Making final revisions to fee application (3.8hrs/2 files=1.9)	EE	1.90	\$425	\$807.50	Attorney hours devoted to fee application.	\$120	1.90	0
301	10/12/2011 Conference with expert Mafera for discussions regarding expert services rendered (1.6hrs/2=8)	EE	0.80	\$425	\$340.00	Attorney hours devoted to fee application.	\$120	0.80	0
302	10/13/2011 Phone call(s) with Mr. Alpert (4hrs/2=2)	EE	0.20	\$425	\$85.00	Attorney hours devoted to fee application.	\$120	0.20	0
303	10/13/2011 Making final revisions to application for fees and costs (3.0hrs/2 1.5)	EE	1.50	\$425	\$637.50	Attorney hours devoted to fee application.	\$120	1.50	0
304	10/14/2011								
305									
306									
307									
308									
309	Alan R. Ackerman, Esquire								
310									
311	7/31/2008 Receipt and review of Complaint against Boardwalk Regency and supporting documents. 1.0 hour	0	1.00	\$425	\$425.00	Unnecessary.	\$0	0.00	
312	8/13/2008 Regency's registered agent with Summons. Complaint and pro hac vice motion. 0.6 hours	5	0.60	\$425	\$255.00	Task could have been conducted by legal staff.	\$0	0.00	
313	8/20/2008 Telephone communication with Lichtenstein. 0.3 hours. Telephone communication with co-counsel. 0.3 hours Receipt and review of Stipulation Extending Time to Answer. attendance to execution of same and transmittal to adversary. 0.3 hours	1	0.90	\$425	\$382.50		\$360	0.90	

Total
Attorney's
Fee
Plaintiffs
Propose for
Lawrence A.
Fuller.
Esquire
\$65,790.00

Access 4 All, Inc. et al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B Description of activity as contained in fee application (with typographical errors as in original).	C Footnote	D Hours billed	E Hourly rate proposed by Plaintiffs	F Fee proposed by Plaintiffs	G Basis for objection to specific entry	H Rate proposed by Defendants	I Hours Proposed by Defendants	J Reduced Hours Proposed by Defendants
1	Date								
314	8/21/2008	Receipt and review of Return of Service from process server on Defendant Boardwalk Regency and attendance to filing same with the Court; 0.3 hours; Preparation of Affidavit of Alan R. Ackerman, Esq.; 0.6 hours; Review of pleadings and attendance to filing motion to admit John P. Fuller, Esq., to appear pro hac vice and its supporting documents; 0.5 hours	1.40	\$425	\$595.00	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel	\$360	0.30	1
315	10/9/2008	Conference with adversary; 0.3 hours Correspondence to Court; 0.4 hours	0.70	\$425	\$297.50		\$360	0.70	1
316	10/13/2008	Receipt and review of motion to strike Defendant's Demand for jury trial; 0.5 hours	0.50	\$425	\$212.50	Unnecessary	\$360	0.00	1
317	10/21/2008	Review of file; 1.2 hours Correspondence to Court; 0.5 hours	1.70	\$425	\$722.50		\$360	1.70	1
318	10/30/2008	Receipt and review of Defendant's Motion to Dismiss and its supporting pleadings; 0.5 hours	0.50	\$425	\$212.50		\$360	0.50	1
319	11/6/2008	Preparation of Request by Local Counsel for Pro Hac Vice Attorney, John P. Fuller, Esq., to Receive Electronic Notification and attendance to filing same; 0.5 hours	0.50	\$425	\$212.50	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel	\$0	0.00	1
320	11/17/2008	Review of file; 0.4 hours Correspondence to the Court; 0.5 hours	0.90	\$425	\$382.50	Mr. Ackerman represents that each correspondence to the Court took him 0.4-0.5 hours and required a prior file review of 0.3 to 0.5 hours. Defendants respectfully request that this Court disallow the file reviews.	\$360	0.25	1
321	2/23/2009	Review of file to prepare for hearing; 2.0 hours	2.00	\$425	\$850.00	Defendants acknowledge 0.5 hours may, in certain cases, be an appropriate amount of time for Mr. Ackerman to bill for his correspondence to the Court. In other cases, it is an excessive amount of time. As Mr. Ackerman does not specify the nature of the correspondence that he sent to the Court on each occasion, Defendant respectfully requests that this Court allow 0.25 hours for each correspondence and disallow the remaining 0.25 hours.	\$360	0.50	1
322	2/24/2009	Attendance to hearing; 0.5 hours	0.50	\$425	\$212.50	Excessive.	\$360	0.50	1
323	4/6/2009	Receipt and review of Order of Consolidation; 0.3 hours	0.15	\$425	\$63.75		\$360	0.15	1
324	7/15/2009	Receipt and review of Defendant's Answers to Interrogatories	1.15	\$425	\$488.75		\$360	1.15	1
325	7/16/2009	Receipt and review of discovery propounded upon Plaintiff	0.35	\$425	\$148.75		\$360	0.35	1

Access 4 All, Inc. et al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I	J
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduced Hours Proposed by Defendants
1						Mr. Ackerman represents that each correspondence to the Court took him 0.4-0.5 hours and required a prior file review of 0.3 to 0.5 hours. Defendants respectfully request that this Court disallow the file reviews.			
326	8/3/2009 Review of file. 0.4 hours Correspondence to the Court. 0.5 hours	0	0.45	\$425	\$191.25	Defendants acknowledge 0.5 hours may, in certain cases, be an appropriate amount of time for Mr. Ackerman to bill for his correspondence to the Court. In other cases, it is an excessive amount of time. As Mr. Ackerman does not specify the nature of the correspondence that he sent to the Court on each occasion, Defendant respectfully requests that this Court allow 0.25 hours for each correspondence and disallow the remaining 0.25 hours.	\$360	0.125	0
327	8/4/2009 Receipt and review of Lichtenstein's letter to the Court. 0.4 hours Receipt and review of Defendants' Interrogatories propounded upon Plaintiff. 0.4 hours	—	0.45	\$425	\$191.25		\$360	0.45	0
328	8/4/2009 Receipt and review of correspondence from the Court. 0.3 hours	0	0.20	\$425	\$85.00	Duplicative.	\$0	0.00	0
329	9/15/2009 Receipt and review of Valentino's letter to the Court	—	0.15	\$425	\$63.75		\$360	0.15	0
330	9/17/2009 Receipt and review of Plaintiff's Verified Request for Payment of Reasonable Expenses. 1.0 hour	50.5	0.50	\$425	\$212.50	Unnecessary.	\$0	0.00	0
331	9/24/2009 Receipt and review of motion to admit Lawrence A. Fuller, Esq. pro hac vice in the matter of Access 4 All, Inc. et. als. v. Boardwalk Regency and attendance to filing same with the Court. 1.0 hour	519.5	1.00	\$425	\$425.00	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel	\$0	0.00	1
332	10/5/2009 Telephone communication with Lichtenstein. 0.3 hours. Telephone communication with Valentino. 0.3 hours communication with co-counsel. 0.3 hours Correspondence to the Court. 0.3 hours	—	0.60	\$425	\$255.00		\$360	0.60	0
333	10/9/2009 Receipt and review of Amending Scheduling Order. 0.3 hours	—	0.15	\$425	\$63.75		\$360	0.15	0
334	10/15/2009								

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduct Hours Propos Defend
1									
335	10/21/2009 Review of file; 0.3 hours Correspondence to the Court; 0.4 hours Preparation of Request by Local Counsel for Pro Hac Vice Attorney, Lawrence A. Fuller, Esq., to Receive Electronic Notification and attendance to filing same; 0.3 hours	0	0.35	\$425	\$148.75	Defendants acknowledge 0.4 hours may, in certain cases, be an appropriate amount of time for Mr. Ackerman to bill for his correspondence to the Court. In other cases, it is an excessive amount of time. As Mr. Ackerman does not specify the nature of the correspondence that he sent to the Court on each occasion, Defendant respectfully requests that this Court allow 0.2 hours for each correspondence and disallow the remaining 0.2 hours.	\$0	0.00	0.35
336	10/30/2009 Telephone communication with co-counsel; 0.3 hours	0	0.15	\$425	\$63.75	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel	\$0	0.00	0.15
337	11/16/2009 Telephone communication with co-counsel; 0.3 hours	0	0.15	\$425	\$63.75	Insufficient description provided	\$360	0.15	0.15
338	11/18/2009 Telephone communication with co-counsel; 0.3 hours	0	0.15	\$425	\$63.75		\$360	0.15	0.15
339	11/19/2009 Telephone communication with co-counsel; 0.3 hours	0	0.15	\$425	\$63.75		\$360	0.15	0.15
340	1/20/2010 Telephone conference with co-counsel; 0.3 hours	0	0.15	\$425	\$63.75		\$360	0.15	0.15
341	3/11/2010 Telephone conference with co-counsel; 0.3 hours	0	0.15	\$425	\$63.75		\$360	0.15	0.15
342	5/11/2010 Receipt and review of correspondence from Valentino to the Court; 0.2 hours	0	0.10	\$425	\$42.50		\$360	0.10	0.10
343	5/24/2010 Receipt and review of Plaintiff's Notice of Filing Supplemental Authority and its supporting documents, and attendance to filing same; 1.0 hour	0	0.50	\$425	\$212.50	Unnecessary.	\$0	0.00	0.50
344	8/16/2010 Correspondence to Court; 0.4 hours	0	0.10	\$425	\$42.50	Insufficient description provided	\$0	0.00	0.10
345	2/11/2011 Correspondence to the Court; 0.3 hours	0	0.15	\$425	\$63.75	Insufficient description provided	\$0	0.00	0.15
346	6/8/2011 Correspondence to the Court; 0.3 hours	0	0.15	\$425	\$63.75	Insufficient description provided	\$0	0.15	0.15
347	7/20/2011 Correspondence to the Court; 0.3 hours	0	0.15	\$425	\$63.75	Insufficient description provided	\$0	0.15	0.15
348									

A	B	C	D	E	F	G	H	I	J
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reductio Hours Proposed by Defender
349				<u>Total</u> <u>Attorney's</u> <u>Fee</u> <u>Plaintiffs</u> <u>Propose for</u> <u>Alan R.</u> <u>Ackerman,</u> <u>Esquire</u>	\$8,181.25				<u>Total Attor</u> <u>Fee Defen</u> <u>Propose</u> <u>Alan R</u> <u>Ackerm</u> <u>Esquir</u>
350				<u>Total</u> <u>Attorney's</u> <u>Fee</u> <u>Plaintiffs</u> <u>Propose</u>	\$157,765.00				<u>Total Attor</u> <u>Fee Defen</u> <u>Propose</u>
351									
352									
353	Paralegal								
354									
355	11/14/2008 Download cases: check each citation of brief on standing; prepare front pages including table of contents and authorities of brief on standing; prepare exhibits of brief on standing (time of 4.0 hours divided by 2 with case "Bailys")	0	2.00	\$115	\$345.00	Excessive. Drafting/exhibit preparation tasks could have been conducted by legal staff.	\$75	0.50	1.50
356	10/20/2009 Sent Plaintiff's Responses to Request for Production and Interrogatories to opposing counsel	1	0.10	\$115	\$11.50		\$75	0.10	0.00
357	3/3/2010 Prepared and sent letter to Magistrate Schneider in response to opposing counsel's request for an extension of time to submit Defendant's expert report	1	0.50	\$115	\$57.50		\$75	0.50	0.00
358	3/11/2010 Prepared and sent our correspondence to opposing counsel with the Supplemental Report of AccessSolution.com, Inc.	1	0.25	\$115	\$28.75		\$75	0.25	0.00
359	6/18/2010 Prepared Court's form of Joint Final PT Order	1	0.75	\$115	\$86.25		\$75	0.75	0.00
360	6/18/2010 Prepared as directed and electronically file Plaintiff's Notice of Pening Motion for Summary Judgment	1	0.43	\$115	\$49.45		\$75	0.43	0.00
361	6/21/2010 Prepared as directed and e-mailed letter to both experts regarding deposition transcripts of any depositions they had both been a part of (time split with Bailys)	1	0.25	\$115	\$28.75		\$75	0.25	0.00
362	6/21/2010 Finalized Court's form of Joint Final PT Order and sent to opposing counsel to insert Defendant's portion (time split with Bailys)	1	0.50	\$115	\$57.50		\$75	0.50	0.00
363	5/4/2011 Coordinated conference call with opposing counsel, Russell Lichtenstein directly for finalization of JT Final PT Order	1	0.20	\$115	\$23.00		\$75	0.20	0.00
364	5/5/2011 Telephone call (left message) to opposing counsel requesting a return call or e-mail to finalize JT Final PT Order	1	0.20	\$115	\$23.00		\$75	0.20	0.00
365	5/6/2011 Telephone call (left message) to opposing counsel requesting a return call or e-mail to finalize JT Final PT Order	1	0.20	\$115	\$23.00		\$75	0.20	0.00

Access 4 All, Inc. et al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
 Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I	J
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reduced Hours Proposed by Defendants
1	Photo copy extra set of photos printed from the report of Gene C. Mattera of AccessSolution.com, Inc. for Plaintiffs counsel for Trial preparation; hole-punch and printed photos for Plaintiffs' counsel; original printed photos for Trial for Judge; and extra set of printed photos for Plaintiffs' counsel.		2.00	\$115	\$230.00	Tasks could have been conducted by legal staff.	\$0	0.00	2.00
366	Phone call to mediator Seltzer and Phone call(s) with opposing counsel to try and arrange date and time for mediator (6); Preparing note to mediator Seltzer (3)	1	0.90	\$115	\$103.50		\$75	0.90	0.00
367	Gathering exhibits & scanning for presentation to Court (1.4); Preparing Index of Documents (.8); Preparing Table of Contents (6)	0	2.80	\$115	\$322.00	Tasks could have been conducted by legal staff.	\$0	0.00	2.80
368									
369									
370									
371									
372									
373	Costs								
374	Fuller, Fuller & Associates								
375									
376									
377	Photocopies	3				\$0.45 Undocumented. Excessive. Unnecessary to litigation. See Access 4 All, Inc. v. 135 W. Sunrise Realty Corp., 2008 U.S. Dist. LEXIS 91674, at *42-43 (E.D.N.Y. Sept. 30, 2008) (unpublished opinion) (attached to Raatzs Certification as Exhibit O)			
378	Open/Close File Charge	5			\$ 225.00	Plaintiffs conducted a title search in each matter to ascertain the proper legal names of the corporate Defendants. Like other counsel licensed to practice in this Court, Mr. Ackerman should, and may, know that these names may be obtained through the New Jersey Business Gateway at a cost of \$5 apiece. Furthermore, had Plaintiffs provided Defendants with notice of, and an opportunity to remedy, any alleged ADA			
379	Title Search	5			\$200.00				
380	Expert Fee - No charge	5			\$1,500.00	Undocumented.			

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
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381	7/19/2008 Re-inspection Fee(s) to disability group				\$1,500.00	Insufficient description provided. See Access 4 All. Inc. v. 135 W. Sunrise Realty Corp., 2008 U.S. Dist. LEXIS 91674, at *42-43 (E.D.N.Y. Sept. 30, 2008) (unpublished opinion) (attached to Raatzs Certification as Exhibit O), Spalluto v. Trump International Hotel and Tower, 2008 U.S. Dist. LEXIS 116424 (S.D.N.Y. August 29, 2008) (unpublished opinion) (attached to Raatzs Certification as Exhibit P)			
382	7/21/2008 Filing Fees - Ck #15888 Filing Fees and Pro Hac Vice for John P Fuller				\$500.00	Costs related to the admission, and electronic noticing, of pro hac vice counsel			
383	7/21/2008 Federal Express Shipment				\$22.07	Undocumented. Overhead.			
384	8/28/2008 Photocopies				\$0.90	Undocumented. Overhead.			
385	9/24/2008 Faxing Long-Distance Chrg.				\$42.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.			
386	10/10/2008 Long Distance Calls				\$3.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.			
387	11/11/2008 Long Distance Calls				\$3.40	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
388	11/26/2008 Airfare to attend initial scheduling conference				\$318.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
389	11/26/2008 Rental car to attend initial scheduling conference				\$91.06	Plaintiffs' pro hac vice counsel			
390	11/30/2008 Postage				\$0.59	Undocumented. Overhead.			
391	11/30/2008 Photocopies				\$46.35	Undocumented. Overhead. Costs related to Plaintiffs' hire of foreign counsel.			
392	12/9/2008 Long Distance Calls				\$7.00	Plaintiffs' hire of foreign counsel.			
393	12/17/2008 Expert Fee - No charge				\$1,000.00	Undocumented.			
394	12/31/2008 Postage				\$3.87	Undocumented. Overhead.			
395	1/31/2009 Postage				\$5.32	Undocumented. Overhead.			
396	2/13/2009 Faxing Long-Distance Chrg.				\$6.00	Undocumented. Overhead. Costs related to Plaintiffs' hire of foreign counsel.			
397	2/26/2009 Travel: Meal(s) & Tip(s), and Miscellaneous for Attorney to attend hearing (divided with Bailey's)				\$205.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
398	2/26/2009 Rental Car to attend hearing on protocol (divided with Bailey's)				\$175.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
399	2/26/2009 Airfare for attorney Fuller to attend hearing (divided with Bailey's)				\$175.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
400	2/26/2009 Hotel for John Fuller to attend hearing on protocol (divided with Bailey's)				\$225.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
401	2/28/2009 Postage				\$0.59	Undocumented. Overhead.			
402	3/31/2009 Photocopies				\$7.65	Undocumented. Overhead.			
403	4/2/2009 Airfare for John Fuller to attend 4/2/09 hearing on protocol (divided with Bailey's)				\$175.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			

Access 4 All. Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
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404	4/2/2009				\$225.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
405	4/9/2009				\$1.00	Plaintiffs' hire of foreign counsel.			
406	5/31/2009				\$10.80	Undocumented. Overhead.			
407	6/23/2009				\$600.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
408	6/30/2009				\$92.70	Undocumented. Overhead. Excessive.			
409	7/31/2009				\$35.55	Undocumented. Overhead. Excessive.			
410	8/11/2009				\$23.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.			
411	8/17/2009				\$225.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
412	8/17/2009				\$350.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
413	8/30/2009				\$406.61	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
414	8/31/2009				\$51.30	Undocumented. Overhead. Excessive.			
415	9/10/2009				\$57.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.			
416	9/24/2009				\$150.00	Costs related to the admission, and electronic noticing, of pro hac vice counsel			
417	9/30/2009				\$1.83	Undocumented. Overhead.			
418	9/30/2009				\$78.20	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.			
419	10/1/2009				\$4.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.			
420	10/18/2009				\$250.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			
421	10/18/2009				\$750.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel			

Access 4 All, Inc. et al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
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1222 10/22/2009	Federal Express Shipment				\$12.52	Undocumented. Overhead.			
1223 10/31/2009	Postage				\$2.75	Undocumented. Overhead.			
1224 10/31/2009	Photocopies				\$221.40	Undocumented. Overhead. Excessive.			
1225 11/11/2009	Long Distance Calls				\$20.00	Undocumented. Costs related to Plaintiff's hire of foreign counsel. Overhead. Excessive.			
1226 11/24/2009	Expert Fee(s) AccessSolutions.com Researching & Reviewing Rule 34 @ Ceaser's Boardwalk				\$31,600.00	Costs set forth within invoices of Plaintiff's expert.			
1227 11/30/2009	Photocopies				\$137.25	Undocumented. Overhead. Excessive.			
1228 12/1/2009	Expert Fee(s) Access-Ability Consultants, Ins Invoice No. #184				\$570.18	Undocumented. Overhead.			
1229 12/17/2009	Long Distance Calls				\$106.60	Undocumented. Costs related to Plaintiff's hire of foreign counsel. Overhead. Excessive.			
1230 12/17/2009	Travel: Lodging, Meal(s) & Tip(s). Airfare by Attorney to attend deposition (split with Bally's)				\$602.57	Costs resulting from long distance travel of Plaintiff's pro hac vice counsel			
1231 12/31/2009	Photocopies				\$20.70	Undocumented. Overhead. Excessive.			
1232 1/20/2010	Court Reporter for copy of depo of Plaintiff Moore				\$296.70	Undocumented. Overhead. Excessive.			
1233 1/31/2010	Long Distance Calls				\$106.40	Undocumented. Costs related to Plaintiff's hire of foreign counsel. Overhead. Excessive.			
1234 3/3/2010	Faxing Long-Distance Chrg.				\$24.00	Undocumented. Costs related to Plaintiff's hire of foreign counsel. Overhead. Excessive.			
1235 3/10/2010	Long Distance Calls				\$17.80	Undocumented. Costs related to Plaintiff's hire of foreign counsel. Overhead. Excessive.			
1236 3/31/2010	Photocopies				\$18.45	Undocumented. Overhead. Excessive.			
1237 4/30/2010	Postage April				\$0.78	Undocumented. Overhead.			
1238 5/7/2010	Long Distance Calls				\$17.60	Undocumented. Costs related to Plaintiff's hire of foreign counsel. Overhead. Excessive.			
1239 5/31/2010	Postage				\$1.05	Undocumented.			
1240 5/31/2010	Photocopies				\$16.65	Undocumented. Excessive.			
1241 6/10/2010	Long Distance Calls				\$4.80	Undocumented. Costs related to Plaintiff's hire of foreign counsel.			
1242 6/30/2010	Postage for June				\$2.75	Undocumented. Overhead.			
1243 6/30/2010	Photocopies				\$124.20	Undocumented. Overhead. Excessive.			
1244 7/15/2010	Long Distance Calls				\$59.80	Undocumented. Overhead. Costs related to Plaintiff's hire of foreign counsel.			
1245 8/31/2010	Postage				\$1.90	Undocumented. Overhead.			
1246 3/17/2011	Federal Express Shipment				\$24.85	Undocumented. Overhead.			
1247 5/9/2011	Federal Express Shipment				\$39.80	Undocumented. Overhead.			
1248 5/31/2011	Photocopies				\$17.50	Undocumented. Overhead. Excessive.			
1249 5/31/2011	Telephone Charges				\$14.00	Undocumented. Overhead. Costs related to Plaintiff's hire of foreign counsel. Excessive.			
1250 5/31/2011	Postage				\$16.00	Undocumented. Overhead.			
1251 7/25/2011	Office Depot (for trial exhibits, binders, dividers, notebooks & briefcase)				\$165.76	Undocumented. Overhead.			
1252 7/25/2011	Photocopies				\$45.00	Undocumented. Overhead. Excessive.			
1253 7/25/2011	Telephone Charges				\$17.00	Undocumented. Overhead. Costs related to Plaintiff's hire of foreign counsel. Excessive.			

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I	J
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reductio Hours Proposer Defendar
1 9/13/2011	Photocopies	0			\$32.00	Undocumented, Overhead, Excessive.			
454									
455									
456				Total Costs to Fuller, Fuller & Associates, Proposed by Plaintiffs	\$44,109.00				Total Cos Fuller, Ful Associa Proposer Defenda
457									
458									

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS

Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed.

A	B	C	D	E	F	G	H	I	J
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Hourly rate proposed by Plaintiffs	Fee proposed by Plaintiffs	Basis for objection to specific entry	Rate proposed by Defendants	Hours Proposed by Defendants	Reducti Hours Propos Defend
1	Law Office of Alan R. Ackerman:								
459									
460	Miscellaneous office expenses including telephone, xerox, facsimile, postage, parking and tolls:				\$264.50	Undocumented. Overhead. Excessive.			
461	Fee to file Complaint				\$700.00	Undocumented			
462	Fee to process server				\$182.14	Costs related to the admission, and electronic noticing, of pro hac vice counsel			
463					\$600.00				
464	Fee to file pro hac vice motions								
465									
				<u>Total Costs to Law Office of Alan R. Ackerman Proposed by Plaintiffs</u>	\$1,746.64				<u>Total Costs to Law Office of Alan R. Ackerman Proposed Defen</u>
466									
467									
				<u>Total Costs Proposed by Plaintiffs</u>	\$45,855.64				<u>Total Propos Defen</u>
468									
469									
				<u>Total Costs and Fees Proposed by Plaintiffs</u>	\$205,009.84				<u>Total Costs Fees P by Defen</u>
470									
471									
472	Those of Mr. Ackerman's attorney hours where it is unclear whether the attorney hours have been billed to the Caesars or Bally's matter are listed under the Caesars matter								
473	Beginning with this entry, Defendants divide Mr. Ackerman's attorney hours across the two files.								
474	These photocopies were made thirty-nine (39) months before Plaintiffs commenced their action against Caesars.								

Access 4 All, Inc. et. al. v. Boardwalk Regency Corporation, Case No. 1:08-cv-03817-RMB-JS
 Itemization of billed attorney hours and costs Defendant's objection(s) thereto, if any, and Defendant's proposed hourly rate for the work performed

APPENDIX 2

Access 4 All, Inc., et. al. v. Bally's Park Place,
Case No. 1:08-cv-04679-JHR-JS

**Itemization of Attorney Hours and Costs Billed to Plaintiffs, Defendant's Objections
Thereeto, and Defendant's Proposed Hourly Rates for the Work Performed**

COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM, P.A.

By: Kurt David Raatzs, Esquire (KR1140)
1125 Atlantic Avenue
Third Floor
Atlantic City, NJ 08401
(609) 344-3161
File Nos. 52228.72 and 52226.108
Attorneys for Defendants

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
Date				
John P. Fuller, Esquire				
8/7/2008	Conference with Mr. Spalluto	0	2.00	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.
8/22/2008	Reviewed initial report from Herb Neff & Assoc.	-	1.50	
8/29/2008	Phone call(s) with mr. Neff	0	0.30	Insufficient description provided
9/2/2008	Researching ownership and reviewing on-line articles about Bally's/Harrah's	0	1.00	Excessive - research could have been conducted through New Jersey Business Gateway.
9/5/2008	Preparing Complaint and Summons	0	2.50	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to this actions. The time spent on these tasks is excessive. Complaint is form complaint. As of 2007, Plaintiff Access 4 All had filed in excess of 350 ADA actions across the United States
9/5/2008	Preparing pacer search	5	0.20	Insufficient description provided
9/8/2008	Preparing letter to Neff & Assoc	SIP.1	0.30	Insufficient description provided
9/8/2008	Traveling to and from and attendance with Mr. DiPalma to discuss Complaint	T.9	1.80	
9/16/2008	Preparing letter to Mr. Ackerman	SIP.3	0.60	Insufficient description provided
9/24/2008	Reviewing letter from Mr. Ackerman	0	0.10	Insufficient description provided
10/24/2008	Reviewed defendants answer and affirmative defenses	-	1.00	
10/25/2008	Preparing Motion to strike Jury Demand and proposed Order	-	1.00	
11/4/2008	Reviewing Defendant's 12 page Motion to Dismiss or in the alternative, Motion for More Definite Statement	-	1.50	
11/11/2008	Preparing Plaintiff's Response to Defendant's Motion to Dismiss.	0	3.20	Attorney hours responding to Defendants' standing-based dispositive motions.

Access 4 All, Inc. et. al v. Bally's Park Place, Case No. 1:08-cv-
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and Dis

Itemization of attorney hours and

A	B	C	D	G	Ra
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry	pro De
11/26/2008	Travel to and from initial scheduling conference (divided with Caesar's)	T2.5	5.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel	
11/26/2008	Attendance at initial conference before Judge Schneider divided with Caesar's	-	1.00		
11/26/2008	Prepared notes to file concerning court's instructions at hearing and matters discussed (divided with Caesar's)	-	0.50		
11/26/2008	Phone call(s) with Peter Spalluto regarding results of initial scheduling hearing and court's request for written protocol for Rule 34 inspection (divided with Caesar's)	0	0.40	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions.	
11/26/2008	Phone call(s) with Gino Mattera concerning assistance in Preparation of Rule 34 property inspection (divided with Caesar's)	-	0.40		
12/15/2008	Reviewed file, prepare letter to Judge Schneider regarding postponing scheduling conference and to follow same protocol as in the Boardwalk Regency case	-	0.40		
12/18/2008	Preparing Rule 26(a)(1) Disclosure	-	0.30		
12/18/2008	Preparing Rule 7.1 Disclosure	-	0.10		
1/12/2009	Conference with client to update as to status of case	0	0.90	Because initial Plaintiff Spalluto died during the litigation, this conduct is immaterial to these actions. Excessive.	
1/15/2009	Reviewed scheduling order and instructed staff to task entries	-	0.40		
1/15/2009	Prepared interrogatories, request for production and request for admissions	-	0.50		
1/15/2009	Reviewed report of expert as to proposed protocol for Bally's and map of facility	0	0.50	Excessive.	
1/15/2009	Prepared proposed inspection protocol as required by the Court's Scheduling Order	0	1.50	Excessive.	
2/6/2009	Reviewed file in preparation of scheduling conference set for 2/26/09	-	0.50		

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv-03819-RMB-JS

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
33	2/17/2009 Reviewed letter order of Judge Schneider re new date for Defendant to file objection to Plaintiff's proposed protocol and other general matters	—	0.30	
34	2/19/2009 Reviewed protocol in preparation of hearing on protocol for rule 34 inspection	—	0.70	
35	2/25/2009 Travel to hearing set for 2/25/09 (divided with Caesar's)	T2.0	4.00	Attorney hours resulting from long distance travel of Plaintiff's pro hac vice counsel
36	2/26/2009 Attendance at hearing on protocol (announced death of Peter Spalluto) - divided with Caesar's	—	0.50	
37	2/26/2009 Local travel time to attendance at hearing on protocol for inspection (divided with Caesar's - Broadway Regency Corp.) hearing held on 2/26/09	—	1.00	
38	2/27/2009 Reviewed orders of court in regard to Death of Co-Plaintiff, Spalluto	—	0.30	
39	3/3/2009 Conference with Peter DiPalma of Access 4 All concerning Ronald Moore and the issue of his stepping forward on behalf of the association in pending litigation in New Jersey at facilities where he goes and has standing	0	0.90	Immaterial to actions as then constituted.
40	3/28/2009 Reviewed correspondence from Ronald Moore concerning his stay at Caesar's	0	0.30	Immaterial to actions as then constituted.
41	3/28/2009 Phone conversation with Mr. DiPalma re: Moore's visit at Caesar's	0	0.30	Immaterial to actions as then constituted.
42	4/1/2009 Reviewed proctocol in preparation for hearing on protocol of case filed by Dempsey-hearing on April 2, 2009	0	1.00	Immaterial to action.
43	4/1/2009 Conference with Ron Moore at his home in New Jersey to discuss compliance issues at Bally's and other facilities (time apportioned between facilities)	0	0.40	Immaterial to actions as then constituted.
44	4/2/2009 Local travel time to attend 2nd hearing on protocol - divided with Boardwalk Regency Corp. (2 hours divided by 2 files = 1 hour)	T.5	1.00	Immaterial to action.

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiff's, Defendant's objection(s) thereto, if any, and D

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
	Attendance at hearing on issues concerning protocol-hearing held in conjunction with attorneys for Lee Dempsey cases-divided in half with Boardwalk Regency Corp.	0	0.50	Immaterial to action.
4/2/2009	Phone conversation with Robert Mirel concerning protocol for inspection as per order of Judge Schneider	0	0.20	Immaterial to action.
4/6/2009	Prepared email to Robert Mirel with Access 4 All protocol	0	0.20	Immaterial to action.
4/7/2009	Reviewed settlement proposal forwarded by Robert Mirel, attorney for Dempsey	0	0.30	Immaterial to action.
4/15/2009	Preparation for hearing on Court ordered status conference (divided with 3968)	1	0.50	
4/15/2009	Reviewed comments of Mr. Moore concerning treatment at Bally's	0	0.30	Immaterial to action as then constituted.
4/16/2009	Attendance at Court ordered status conference (.60 divided by 2 files (Boardwalk Regency))	1	0.30	
4/21/2009	Review letter of Robert Mirel with proposed protocol	0	0.20	Immaterial to action.
4/21/2009	Prepared notes to file re proposed protocol of Plaintiff, Dempsey	0	0.20	Immaterial to action.
		SIP 1.0		The time spent on these tasks is excessive. Complaint is form complaint. As of 2007, Plaintiff Access 4 All had filed in excess of 350 ADA actions across the United States
5/12/2009	Preparing supplemental complaint for review by Mr. Moore		2.20	
5/12/2009	Phone conversation with Ronald Moore concerning proposed supplemental complaint	0	0.30	Immaterial to action as then constituted.
6/10/2009	Prepared letter to Russell Lichtenstein concerning change of inspectors and information concerning rule 26 disclosure	1	0.20	
6/10/2009	Received phone call from Robert Mirel concerning protocol for inspection	0	0.20	Immaterial to action.
6/23/2009	Reviewed file in preparation of hearing before the court on protocol for inspection on 6/25/09 (split with Caesars)	1	0.80	

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Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and

Itemization of attorney hours and

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
59	Local travel time to and from court hearing on protocol for inspection (divided by 2 with Boardwalk Regency) (4.0 hours divided by 2 files = 2.0 hours)	T1.0	2.00	Excessive.
60	Attendance at court hearing on establishing protocol for inspection (divided with 3968)	—	2.50	
61	Reviewed and tasked scheduled dates per court's scheduling order for property inspection, discovery, settlement proposals, etc.	—	0.30	
62	Reviewing Defendant's answer and affirmative defenses to supplemental complaint	—	0.40	
63	Reviewed initial request for production and interrogatories addressed to Plaintiffs	0	1.00	Excessive.
64	Reviewing e-mail from Mr. Lichtenstein to John P. Fuller dated 7/20/09 (2), phone call(s) with opposing counsel (left message) (1); phone call(s) with Mr. Ackerman (2)	—	0.50	
65	Reviewed email from Russell Lichtenstein re occupancy of facility (div w/Caesars)	—	0.20	
66	Prepared response to Mr. Lichtenstein concerning occupancy of facilities and demand to follow the protocol approved by the Court (divided with Bally's)	—	0.20	
67	Reviewed further email from Mr. Lichtenstein re refusal to lock out rooms (divided with Bally's)	—	0.10	
68	Prepared email to Larry Fuller to verify deadline for filing Motion to Compel (divided with Bally's)	5	0.20	Unnecessary to action.
69	Prepared email to Russell Lichtenstein replying to his email suggesting all disabled rooms occupied, and set forth proposal to commence room inspection through provision of inspecting representative samples of rooms by category	—	0.30	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-03817-RMB-JS Document 128 Filed 06/28/12 Page 69 of 114 PageID: 2428

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
7/29/2009	Prepared email to Larry Fuller to prepare letter requesting court intervention in view of lack of cooperation from opposing counsel (divided with Caesar's)	0	0.20	Unnecessary to action.
8/10/2009	Prepared email to Russell Lichtenstein requesting a list of disabled rooms by category (divided with Caesars)	—	0.30	
8/10/2009	Reviewed responsive email from Russell Lichtenstein advising that he has requested disbursement list from client (divided with Caesars)	—	0.10	
8/13/2009	Reviewed protocol in preparation for upcoming property inspection	—	0.80	
8/13/2009	Phone conversation with Gene Mattera concerning protocol and plans for property inspection	—	0.40	
8/16/2009	Travel to Atlantic City to attend inspection (divided with Boardwalk Regency)	T.9	1.80	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
8/16/2009	Reviewed file in preparation of property inspection	—	0.60	
8/17/2009	Local travel time to attend and return from inspection (divided with Boardwalk Regency)	T.4	0.80	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.
8/17/2009	Attendance at property inspection (divided with Boardwalk Regency)	—	4.75	
8/17/2009	Reviewed file with expert Mattera to map out plan for tomorrow's inspection for subject property	—	0.70	
8/18/2009	Local travel time to attend and return from inspection (divided with Boardwalk Regency)	T.4	0.80	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.
8/18/2009	Attendance at property inspection (divided with Boardwalk Regency)	—	4.75	
8/18/2009	Conference with expert Mattera to discuss protocol for tomorrow's inspection for subject property	—	0.70	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
8/19/2009	Local travel time to attend and return from inspection (divided with Boardwalk Regency)	T.35	0.70	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.
8/19/2009	Attendance at property inspection (divided with Boardwalk Regency)	—	4.75	
8/19/2009	Conference with expert Mattera to prepare protocol for tomorrow's inspection re subject property	—	0.70	
8/20/2009	Local travel time to attend inspection and return from inspection (divided with Boardwalk Regency)	T.35	0.70	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.
8/20/2009	Attendance at property inspection (divided with Boardwalk Regency)	—	4.75	
8/20/2009	Conference with Gene Mattera to review matters covered and develop plan for tomorrow's inspection	—	0.70	
8/21/2009	Local travel time to attend property inspection and return from inspection (divided with Boardwalk Regency)	T.35	0.70	There are numerous hotels in Atlantic City at which John P. Fuller could have stayed, minimizing the travel time required to attend and return from the inspections of Defendants' properties.
8/21/2009	Attendance at property inspection (divided with Boardwalk Regency)	—	4.75	
8/21/2009	Post inspection conference with Gene Mattera for general review of inspection and discuss areas including rooms unable to inspect	—	0.40	
8/22/2009	Travel from Atlantic City to Ft. Lauderdale, Fla (divided with Boardwalk Regency)	T.9	1.80	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
8/23/2009	Reviewed notes of inspections as part of analyzing further action and in regard to preparation of letter to Judge Schneider for extension of time to submit expert report	—	1.50	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

Itemization of attorney hours and

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
94	8/23/2009 Reviewed notes in analysis of number and type of existing disabled rooms and compared to answers to interrogatories and ADAAG	—	0.80	
95	8/26/2009 Reviewed interrogatories in order to prepare letter to Mr. Lichtenstein to compel better answers to interrogatories	SP .75	1.50	Excessive.
96	8/26/2009 Reviewed responses to request for production to prepare letter to Mr. Lichtenstein concerning better responses	0	0.70	Excessive.
97	8/26/2009 Phone call to Russell Lichtenstein (left message) re arranging to review documents, continuing inspection, add time to produce expert report	—	0.10	
98	8/26/2009 Prepared comprehensive email to Russell Lichtenstein requesting better answers to interrogatories with supporting reasoning (divided with caesars)	0	1.40	Excessive.
99	8/27/2009 Further review of Defendants responses to request for production and preparation of email to Russell Lichtenstein, Esq. requesting better responses to request for production with supporting explanation why the requested information is likely to lead to th	0	1.10	Excessive.
100	8/27/2009 Further Review of Defendants Interrogatories to Plaintiffs, and request for production	0	0.60	Excessive.
101	8/27/2009 Commence preparing outline to discuss with Ronald Moore for responding to defs interrogatories and request for production	0	0.50	Excessive
102	8/27/2009 Reviewing Federal Rules of Civil Procedure in regard to responding to defs request for production and interrogatories (divided with Boardwalk Regency)	S.4	0.40	Unnecessary to action.
103	8/28/2009 Phone conversation with Nancy Valentino concerning Defs response for consent to extend time for the submission of expert report, to set time for review of documents in response to request for production, and for permission to complete inspection (divided)	—	0.40	
104	8/30/2009 Initial preparation of extensive letter to Judge Schneider concerning request for extension of time etc. (divided with Boardwalk Regency)	SP .5	1.50	Excessive.

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
105	9/1/2009 Further prep of letter on various issues (divided with Boardwalk Regency)	SIP, 5	1.50	Excessive.
106	9/2/2009 Further prep of letter - very complex (divided with Boardwalk Regency)	SIP, 5	1.50	Excessive.
107	9/3/2009 Further work on gathering documents for responses to request for production	0	2.00	Excessive.
108	9/16/2009 Review Court Order of 9/16/09	-	0.20	
109	9/16/2009 Phone conversation with Nancy Valentino re court order to confer	-	0.30	
110	9/23/2009 Initial preparation of request for payment of reasonable fees (divided with Boardwalk Regency)	F	2.50	Attorney hours devoted to fee application.
111	9/24/2009 Further preparation of request for reasonable fees (divided with Boardwalk Regency)	F	1.70	Attorney hours devoted to fee application.
112	9/24/2009 Reviewing New Jersey Business entity status report (.6)	SIP, 5	0.60	Excessive.
113	10/27/2009 Reviewed amended scheduling order re hearing on nov 12, 2009	-	0.30	
114	12/7/2009 Preparing questions in preparation for upcoming deposition of Mr. Moore	-	1.00	
115	6/1/2010 Reviewed Defendant's Motion for Summary Judgment	0 5	1.50	Attorney hours responding to Defendants' standing-based dispositive motions.
116	6/1/2010 Reviewed answers to interrogatories by Mr. Moore in the City of Atlantic City case in conjunction with responding to Def's Motion for Summary Judgment in the subject case	0	0.40	Attorney hours responding to Defendants' standing-based dispositive motions.
117	6/1/2010 Initial preparation of Affidavit of Peter DiPalma	0	0.80	Attorney hours responding to Defendants' standing-based dispositive motions.
118	6/1/2010 Investigated prior cases which were dropped by Access 4 All for lack of standing	0	0.80	Attorney hours researching standing of Plaintiffs.
119	6/1/2010 Reviewed local rules regarding responding to motion for summary judgment	SIP, 3	0.40	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel
120	6/1/2010 Reviewing dep to analyze Def's Statement of material facts	0	2.20	Attorney hours responding to Defendants' standing-based dispositive motions.

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

Itemization of attorney hours and

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
121	2/1/2011 Further research on issue of single act of discrimination sufficient to create rights under Title III	0	1.60	Attorney hours researching standing of Plaintiffs.
122	2/1/2011 Reviewed and outline cases of Salmen v. New Jersey Board of Medical Examiners and Clark v. McDonalds	0	0.90	Attorney hours researching standing of Plaintiffs.
123	2/3/2011 Initial preparation of brief for purposes of preparation of evidentiary hearing	—	2.50	
124	2/4/2011 Further preparation of brief in preparation for evidentiary hearing including reviewing case law and law review article on the limits of Article III standing	0	2.00	Attorney hours researching standing of Plaintiffs.
125	2/8/2011 Further preparation of memorandum in support of standing in preparation of evidentiary hearing	—	1.80	
126	2/11/2011 Further final preparation of memo to support of plaintiffs standing to seek injunctive relief in preparation for evidentiary hearing	—	1.30	
127	2/16/2011 Further preparation for evidentiary hearing and preparation of brief	—	2.30	
128	2/16/2011 Further preparation for evidentiary hearing including preparing exhibits, organizing questions	—	1.00	
129	2/21/2011 Further preparation for Evidentiary hearing, further review of cases cited by the court and re-review court order	0	2.50	Attorney hours researching standing of Plaintiffs.
130	2/21/2011 Review of cases granting tester standing	0	1.50	Attorney hours researching standing of Plaintiffs.
131	2/23/2011 Travel from Fla to NJ to attend evidentiary hearing	SIP3.0	6.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
132	2/23/2011 Further preparation for evidentiary hearing	—	2.00	
133	2/23/2011 Conference with Ronald Moore and Lawrence Fuller	—	2.00	
134	2/24/2011 Attending evidentiary hearing on 2/24/11	—	2.00	
135	2/24/2011 Return travel from New Jersey to Fla after hearing	T3.0	6.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
136	3/3/2011 Review of transcript from evidentiary hearing	—	1.00	
137	3/8/2011 Further preparation of Plaintiff's Supplemental Response to Defendant's Motion for Summary Judgment	S 7	3.00	Attorney hours responding to Defendant's standing-based dispositive motions.

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Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and L

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
138	3/8/2011 Reviewed Defendants letter to Court - Defendant's submission in support of its motion for summary judgment	5	0.80	Attorney hours responding to Defendants' standing-based dispositive motions.
139	3/9/2011 Further preparation of supplemental submission to court in opposition to motion for summary judgment	5	4.30	Attorney hours responding to Defendants' standing-based dispositive motions.
140	3/10/2011 Further preparation of supplemental response to Defendant's Motion for Summary Judgment	5	4.00	Attorney hours responding to Defendants' standing-based dispositive motions.
141	3/12/2011 Further preparation of Supplemental response to Defendant's motion for summary judgment	5	3.20	Attorney hours responding to Defendants' standing-based dispositive motions.
142	3/28/2011 Reviewed Court Order denying Defendant's motion for summary judgment	1	0.30	
143	3/28/2011 Phone conversation with Ronald Moore concerning court order denying Def's motion for summary judgment	1	0.20	
144	3/28/2011 Phone conversation with Peter Dipalma concerning court order denying Defendant's Motion for summary Judgment	1	0.20	
145	4/1/2011 Phone conversation with Gene Mattera concerning required documents concerning distinguishing between pre 1992 and post 1992 construction	1	0.40	
146	4/4/2011 Prepare letter to US Attorneys office concerning justice department investigation into casinos in Atlantic City	0	0.30	Immaterial to action.
147	4/4/2011 Phone conversation with David Dauenhimer, US Attorney re DOJ Investigation into Atlantic City casinos and status of investigation	0	0.30	Immaterial to action.
148	4/4/2011 Reviewed instructions and directions for the assistance of counsel in preparing the joint final pretrial order	518.2	0.40	
149	4/5/2011 Initial preparation to proposed joint pretrial order	1	3.50	
150	4/5/2011 Phone conversation with Ashley Skotarczak of DOJ in Washington concerning DOJ investigation with Caesars regarding ADA compliance	1	0.30	Immaterial to action.
151	4/5/2011 Prepared note to file re status of doj investigation regarding Caesars	1	0.20	
152	4/5/2011 Further preparation of proposed final pre-trial order	1	2.00	
153	4/6/2011 Further preparation of proposed joint pretrial order	1	3.50	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-00381-JPM

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1				
54	4/7/2011 Further preparation of proposed Joint pretrial order	—	2.40	
55	4/8/2011 Conference with expert Mattera to mark and identify all photographs and exhibits for purposes of final pretrial order	SIP 2.35	4.70	Task could have been conducted by legal staff.
56	4/8/2011 Prepared letter to Jim Diluigi for information required by 26a2 disclosure	—	0.30	
57	4/11/2011 Reviewed email from Jim Diluigi concerning prior deposition and trial testimony for last 4 years	—	0.20	
58	4/22/2011 Reviewed Defendant's Proposed Joint Final Pretrial Order	—	3.00	
59	4/25/2011 Research on applicability of barrier removal obligation for casino tables	—	1.30	
60	Phone conversation with Jim Diluigi, expert concerning substance of testimony	—	0.30	
61	4/25/2011 Conference with Lawrence Fuller to review Defendant's proposed revisions to pre trial order	—	2.20	
62	4/25/2011 Research law on issue of qualification of ADA consultant to testify as to barriers and ADAAG Guidelines	—	1.60	
63	4/25/2011 Conference with Lawrence Fuller to discuss defendant's proposed changes to pretrial stipulations	—	1.50	
64	4/26/2011 Research law on applicability of barrier removal defense when economic issues are waived	—	0.80	
65	4/26/2011 Research law on requirement for gaming establishments to provide compliant gaming tables	—	0.80	
66	5/23/2011 Prepared email to Ron Moore concerning logistics of attending trial	S, 2	0.20	Task could have been conducted by legal staff.
67	5/31/2011 Conference with Lawrence Fuller & Gino Mattera for trial preparation	0	4.00	Immaterial to action. Matter never tried.
68	6/27/2011 Reviewed plaintiffs expert reports in preparation for trial	0	3.00	Immaterial to action. Matter never tried.
69	7/10/2011 reviewing deposition of ronald moore	0	1.10	Immaterial to action. Trial preparation. Matter never tried.
70	7/16/2011 Reviewing deposition testimony of Ronald Moore	0	3.50	Immaterial to action. Trial preparation. Matter never tried.

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Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

Itemization of attorney hours and

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
7/27/2011	Legal Research on 42usc&2000a-3(b) as cited in Defendant's proposed settlement agreement on issue of right to attorney's fees	0	0.40	Attorney hours devoted to fee application.
10/6/2011	Explaining services performed by attorneys and results obtained	F	1.50	Attorney hours devoted to fee application.
Lawrence A. Fuller, Esquire				
10/13/2009	Travel to Atlantic City for Rule 34 Inspection (6.0 hours divided by 2 = 3.0); Conference with Mr. Mattera	T2.0	4.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
	Inspection of Bally's (Regency Boardwalk's inspection on 10/15/09; Bally's inspection on 10/14/09)	D	8.00	Unnecessary. See Association for Disabled Americans, Inc. v. Integra Resort Management, 385 F. Supp. 2d 1272, 1298, 1300-01 (M.D. Fla. 2005) (noting that the plaintiffs' expert in that matter was "a registered sex offender who has been convicted of attempted sexual battery on a victim under age of 12" and deducting all time that plaintiffs' attorney had billed to the inspection of the defendant premises, holding that "[h]ad [counsel] used a competent expert who was not a felon, there would have been no reason for [counsel] to drive . . . to personally observe the alleged violations.") (emphasis added).
180 10/14/2009	Returning to Airport and return flight to Florida (6.0 hours divided by 2 files)	T1.5	3.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
181 10/15/2009	Phone call(s) with Mr. Moore	—	0.50	
182 10/20/2009	Phone call(s) with Mr. Ackerman	—	0.30	Insufficient description provided.
183 10/20/2009	Preparing status letter to be sent by Mr. Ackerman to Court	S1P.2	0.70	
184 10/21/2009	Conference with Mr. Moore and Mr. Ackerman (2.0 hours divided by 2 files)	—	1.00	
185 10/29/2009	Reviewing Defendant's Bally's More Specific Answers to Interrogatories	—	0.50	
186 11/4/2009	Continuing review of Defendant Bally's updated responses to discovery (.7), Phone call(s) with Mr. Matter (.4)	—	1.10	
187 11/6/2009	Phone call(s) with Mr. Matter (.4)	D	0.40	Insufficient description provided.
188 11/11/2009	Reviewing file in Preparation for telephonic status conference set for 11/12/09	S1P.5	1.00	Excessive.
189 11/11/2009	Telephonic status conference (.6 divided with Boardwalk Regency)	—	0.30	

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

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	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
191	11/12/2009 Preparing letter to Mr. DiLuigi	0	0.60	Insufficient description provided.
192	11/13/2009 Reviewing Amended Scheduling Order	SIP.3	0.40	Excessive.
193	11/23/2009 Phone call(s) with Mr. DiLuigi (.3); Reviewing letter from opposing counsel dated 11/23/0* (.3); Preparing letter to client to advise of time, date and location of his deposition (.4)	SIP.4	1.00	Insufficient description of Phone call(s) with Mr. DiLuigi provided. Letter to client advising of time, date and location of deposition could have been performed by legal staff.
194	11/30/2009 Phone call(s) with client (.3); reviewing letter from opposing counsel dated 11/23/09 (.2)	—	0.50	
195	12/2/2009 Phone call(s) with opposing counsel (.2); Conference with Mr. Mattera to discuss his expert report, its findings and recommendations (1.5)	—	1.70	
196	12/3/2009 Reviewing 192 page report of expert Gene Mattera regarding Bally's Hotel	0	3.60	Excessive.
197	12/14/2009 Attending Conference with client	—	0.40	
198	12/17/2009 Conference with client	—	0.50	
199	12/17/2009 Travel to Atlantic City for deposition of plaintiff (5 hours divided by 2 files = 2.5 hours)	TI.25	2.50	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
200	12/18/2009 Predeposition conference with client (.5); Attending deposition of client (8.0); Post deposition conference with client (.5); Return flight from New Jersey to Florida (8.0); (17 total hours divided by 2 = 8.5 hours per file)	SIP4.0	8.50	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
201	12/24/2009 Preparing letter to Mr. Mattera (.6); Phone call(s) with Mr. Mattera (.4)	0	1.00	Insufficient description provided.
202	12/28/2009 Preparing letter to opposing counsel regarding depositions of experts	0	0.60	Excessive.
203	1/18/2010 Phone call(s) with opposing counsel	—	0.40	
204	1/23/2010 Reviewing letter from opposing counsel dated 1/20/10	—	0.20	
205	1/25/2010 Reviewing file on Preparing for hearing set for 1/26/10	0	0.80	Excessive.
206	1/26/2010 Telephone conference with Court (time divided with Boardwalk case)	—	0.30	
207	1/28/2010 Starting to prepare proposed Consent Decree (addressing Transportation Center and Bally's Parking Garage and Bally's Valet Parking)	—	3.20	

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Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1/29/2010	Continuing preparation of Plaintiff's proposed Consent Decree (focusing on Path of Travel and Common Areas and Restrooms)	—	2.80	
1/29/2010	Phone call(s) with Mr. Mattera about his recommendation for correcting ADA violations at Bally's (6)	—	0.60	
1/31/2010	Continuing to prepare proposed Consent Decree (addressing Casino Floor areas, restaurants, and Palace Theatre and restrooms, and Bally's Poker Room)	—	2.60	
2/2/2010	Continuing to put together Plaintiff's proposed Consent Decree (discussing guestroom accessibility issues and Clardige's Casino, Pool and Spa and Clardige's Parking Garage)	—	2.50	
2/2/2010	Preparing letter to opposing counsel (4); preparing final draft to proposed Consent Decree (1.6); preparing proposed Stipulation and Final Order (2)	—	2.20	
2/5/2010	Phone call(s) with Mr. Moore about proposed Consent Decree (3); Phone call(s) with Mr. DiPalma about proposed Consent Decree (2)	—	0.50	
2/12/2010	Reviewing transcript of deposition of Mr. Moore (139 pages)	—	1.30	
2/15/2010	Phone call(s) with opposing counsel to suggest settlement conference	—	0.40	
3/3/2010	Reviewing letter from opposing counsel to Court (3); preparing letter to Court (7)	SIF.5	1.00	Insufficient description provided.
4/1/2010	Reviewing file (2); Phone call(s) with opposing counsel (left message for opposing counsel to call me regarding depositions of experts)	—	0.30	
4/27/2010	Phone call(s) with opposing counsel (4); reviewing letter from opposing counsel dated 4/20/10 (3); Notice to Produce to experts (1.5); Preparing letter to Mr. Mattera and Mr. DiLuigi (8)	SIF 1.2	3.00	Insufficient description of letter to Mr. Matter and Mr. Deluigi provided
4/28/2010	Preparing Notice to Produce (7); Preparing letter to opposing counsel (4)	SIF.55	1.10	Task could have been conducted by legal staff.
4/30/2010	Reviewing letter from opposing counsel dated 4/30/10 along with Mr. Salmen's 2 page response to report of Mr. Mattera regarding Bally's	—	0.40	

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Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
5/1/2010	Reviewing 73 page report of expert John Salmen regarding Bally's Hotel (3.8); Comparing Salmen's report to Mattera's report (1.2)	0	5.00	Excessive.
5/10/2010	Phone call(s) with opposing counsel (.5); preparing letter to opposing counsel (.7); preparing modified proposed Consent Decree (.7); Phone call(s) with client to discuss suggested compromise	—	2.50	
5/13/2010	Preparing response to Defendant's Letter Requesting Extensio of Time	SIP, 5	1.00	Excessive.
5/14/2010	Reviewing Text Order of 5/14/10	—	0.20	
5/21/2010	Preparing Response to Notice to Produce of Expert	—	0.80	
5/24/2010	Reviewing letter from opposing counsel dated 5/21/10	—	0.30	
5/25/2010	Comparing report of Mr. Salmen with 141 pages of photographs by Mr. Salmen	0	2.50	Excessive.
5/31/2010	Reviewing Defendant's Motion for Summary Judgment and Statement of Facts (4.0); Reviewing deposition testimony of Moore cited in Exhibit A and B (.7); Reviewing Exhibits C, D, E, and F to Motion for Summary Judgment (.3); Reading cases of Dempsey, 539 Abs	—	3.30	
6/1/2010	Reviewing 17 cases cited in Defendant's Motion for Summary Judgment (4.8) (NOTE: Total time is 4.8, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	—	2.40	
6/2/2010	Legal research into issue of standing and review of decisions of Access v. Trump; and Disabled in Action v. Trump (2.2) (NOTE: Total time is 2.2, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	1.10	Attorney hours researching standing of Plaintiffs.
6/3/2010	Reviewing Pickern decision (.5); Reviewing Steger decision (.6); Reviewing Parr decision (.4); Reviewing D'Il decision (.5) (NOTE: Total time is 2.0, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	0	1.00	Attorney hours researching standing of Plaintiffs.
6/4/2010	Starting to prepare Plaintiff's Response to Motion for Summary Judgment (4.4) (NOTE: Total time is 4.4, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino)	—	2.20	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
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Itemization of attorney hours and

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
Date				
233	Continuing preparation of Response to Motion for Summary Judgment (3.2) (NOTE: Total time is 3.2, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	1.60	
234	Phone call(s) with Mr. Moore (.5); Preparing Affidavit of Mr. Moore (2.1) (NOTE: Total time is 2.6, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	1.30	
235	Phone call(s) with Mr. DiPalma (.5); Preparing Affidavit of Mr. DiPalma (.7) (NOTE: Total time is 1.2, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	0.60	
236	Preparing Plaintiffs' Responsive Statement of Material Facts (2.8); Preparing Supplemental Statement of Disputed Facts in Opposition to Motion for Summary Judgment (3.2) (NOTE: Total time is 6.0, which has been divided by 2 files Bally's Park Place and C	—	3.00	
237	Continuing to prepare responsive brief and distinguish cases cited by Defendant (1.8) (NOTE: Total time is 1.8, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	0.90	
238	Preparing proposed Order Denying Summary Judgment (.60); Making final revisions to Response to Motion for Summary Judgment (2.4) ((NOTE: Total time is 3.0, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	1.50	
239	Starting to prepare proposed Joint Final Pretrial Order (4.6) (NOTE: Total time is 4.6, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	2.30	
240	Reading 30 page Betancourt decision (2.00); Preparing Notice of Filing Supplemental Authority (.8)	—	2.80	
241	Continuing to prepare proposed Joint Final Pretrial Order (including witness and exhibit list) (2.2) (NOTE: Total time is 2.2, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	1.10	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
242	6/18/2010 Reviewing letter from opposing counsel to Court dated 6/17/10 (3); Reviewing text Order of 6/17/10 (.1); Reviewing letter from opposing counsel dated 6/14/10 regarding expert discovery (.2); Phone call(s) with opposing counsel regarding expert discovery (—	0.80	
243	6/21/2010 Preparing letter to experts (.5)	0	0.50	Insufficient description provided.
244	6/21/2010 Preparing final draft of pretrial order for review by Defendant (2.0) (NOTE: Total time is 2.0, which has been divided by 2 files Bally's Park Place and Caesars Hotel and Casino	—	1.00	
245	6/22/2010 Reviewing Defendant's Brief in Reply to Plaintiffs Opposition to Motion for Summary Judgment (3.0)	0	3.00	Excessive.
246	10/19/2010 Reviewing letter from opposing counsel dated from court dated 10/19/10	—	0.20	
247	10/21/2010 Reviewing letter from opposing counsel dated from court dated 10/21/10	—	0.20	
248	11/1/2010 Reviewing letter from opposing counsel dated in preparation for hearing on 11/31/10	0	3.50	Excessive.
249	11/1/2010 Reviewing cases cited in Motion for Summary Judgment	0	1.50	Attorney hours researching standing of Plaintiffs.
250	11/2/2010 Travel from Fla to Atlantic City for hearing on 11/3/10	5182.0	4.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
251	11/3/2010 Hearing Oral Arguments before Court	—	2.00	
252	11/3/2010 Travel from Atlantic City to Florida	5182.0	4.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
253	11/4/2010 Phone call(s) with Mr. Moore to discuss oral argument on 11/3/10	—	0.30	
254	11/4/2010 Phone call(s) with Mr. DiPalma to discuss oral argument on 11/3/10	—	0.30	
255	11/7/2011 Preparing note to client (.2); reviewing depo testimony of client (.8)	—	1.00	
256	11/8/2011 Review note from client (.2)	—	0.20	
257	1/20/2011 Reviewing Judge Bumb's decision and dep testimony of Moore in preparation for upcoming hearing (3.3); preparing outline of dep testimony of Moore (.9)	—	4.20	

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
258 1/21/2011	Preparing direct exam of Moore for 2/24/11 hg (3.2); Phone call(s) with client (4)	—	3.60	
259 1/22/2011	Reviewing D'Ilil decision (4); reviewing Lujan decision (7); reviewing Friends of the Earth decision regarding standing (6)	0	1.70	Attorney hours researching standing of Plaintiffs.
260 2/18/2011	Conference with client to prepare for hearing set for 2/24/11	0	2.00	Attendance of both attorneys Fuller excessive.
	Travel from Fla to NJ to attend hearing			Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel.
261 2/23/2011		5193.0	6.00	Attendance of both attorneys Fuller excessive.
262 2/23/2011	Conference with client and Larry Fuller and John Fuller	0	2.00	Attendance of both attorneys Fuller excessive.
263 2/23/2011	Preparation for evidentiary hearing	0	3.20	Attendance of both attorneys Fuller excessive.
264 2/24/2011	Attending evidentiary hearing on 2/24/11	0	2.00	Attendance of both attorneys Fuller excessive.
	Return travel from NJ to FL after evidentiary hearing			Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel.
265 2/24/2011		T3.0	6.00	Attendance of both attorneys Fuller excessive.
	Reading cases of Meyer, Harris & Kramer (cited in court opinion of 11/23/10) (2.3); Continuing preparation of supplemental response to def's motion for summary judgment incorporating facts at hearing with supporting case law (6.8)	0	9.10	Attorney hours researching standing of Plaintiffs.
266 3/3/2011	Preparing proposed order on def's motion for summary judgment	—	0.70	
267 3/8/2011	Preparing Order of 3/28/11	—	0.30	
268 3/28/2011	Reviewing Amended Scheduling Order	—	0.30	
269 3/30/2011				The telephone calls with Attorney Brady took place five months before the parties to these matters entered into a consent decree and, as such, are unrelated to the Certification that Mr. Brady submitted in support of Plaintiffs' application.
270 4/11/2011	Phone call(s) with attorney Brady (6); Phone call(s) with Mr. Ackerman (2); Preparing letter to Court (4); Phone call(s) with Mr. Moore to advise of status of case (4)	0	1.60	

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
271	4/23/2011			
272	4/25/2011			
273	4/26/2011			
274	5/4/2011			
275	5/12/2011			
276	5/13/2011			
277	5/13/2011			
278	5/31/2011			
279	6/2/2011			
280	6/9/2011			
281	6/29/2011			
	Reviewing Defendant's proposed revision to Joint Final Pretrial Order (1.0); Reviewing Defendant's experts (Mr. Salmen) 73 pages of findings and comparing them with photographs of Boardwalk (3.1); Reviewing Defendant's expert (Mr. Salmen) 88 pages of find	0	7.60	Insufficient description provided
	Conference with John Fuller to discuss Defendant's proposed changes to pretrial stipulations (1.5); Phone call(s) with Mr. DiLuigi (.3)	—	1.80	
	Making changes to defendant's proposed pretrial stipulations	—	1.60	
	Preparing for tel conference with opposing counsel (.4); Phone call(s) with opposing counsel to try & reach agreement as to final pretrial order (2)	—	0.60	
	Preparing for pretrial conference (1.0); travelling to, and from, Florida to New Jersey for pretrial conference (3.5x2=7 hours); attending pretrial conference (1.0)	\$183.5	9.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel.
	Reviewing Amended Scheduling Order of 5/12/11 (.3); Reviewing Order Setting Trial (.3); Phone call(s) with client to advise of trial date (.2); Preparing letter to client	—	1.10	
	Preparing letter to opposing counsel	0	0.40	Insufficient description provided.
	Conference with John Fuller and expert Mattera to plan for trial presentation	0	4.00	Immaterial to action. Trial preparation. Matter never tried.
	Phone call(s) with opposing counsel (left message with secretary) (.1); Preparing letter to Mag. Judge (.8); Reviewing letter from opposing counsel to Court dated 6/2/11 (.4)	0	1.30	Trial preparation immaterial to action. Matter never tried.
	Preparing letter to opposing counsel containing modified settlement terms	0	1.00	
	Phone call(s) with opposing counsel (.3); telephone conference with Court and opposing counsel (.6); Phone call(s) with expert Mattera concerning trial preparations (.8); Phone call(s) with client (.5);	0		
	Reviewing note from opposing counsel dated 6/29/11 (.1)		2.30	Trial preparation immaterial to action. Matter never tried.

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Date				
6/29/2011	Further preparation of direct examination of plaintiff at trial (2.8); Preparing note to Mr. Moore and Mr. Mattera (.5)		3.30	Immaterial to action. Matter never tried.
6/30/2011	Preparing letter to opposing counsel concerning depositions of Defendant's corporate representatives	—	0.50	
7/6/2011	Preparing proposed Final Order in Bally's	—	3.30	
	Phone call(s) with opposing counsel's secretary (.2); Reviewing Order Entering Joint Final Pretrial Order (.4); Phone call(s) with opposing counsel's secretary to try and agree on date and time for depositions (.3)	—	0.90	
7/7/2011	Continuing to prepare proposed Final Order in Bally's	—	4.80	
7/15/2011	Phone call(s) with Mr. Mattera (.4); Continuing to make changes to proposed Final Order (2.5); Reviewing letter from opposing counsel dated 7/15/11 (.3); Phone call(s) with Mr. DiPalma (.4)	—	3.60	
7/29/2011	Preparing letter to opposing counsel containing list of potential mediators to select from	—	0.80	
9/14/2011	Legal Research of NJ case law regarding reasonable attorney fees and hourly award for attorney fees (2.6 hrs/2 files=1.3hrs)	SIF.3	1.30	Attorney hours devoted to fee application.
9/15/2011	9/15/2011 Reviewing file in preparation for settlement conference on 9/23/11 (.7); Phone call(s) with client (.3) (1.0hrs/2 files=.5)	—	0.50	
9/23/2011	9/23/2011 Travel time to get from Florida to Atlantic City (4.0hrs/2 files=2 hrs)	T1.0	2.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
9/23/2011	Attending Settlement Conference (4.0hrs/2 files=2.0 hrs)	—	2.00	
9/26/2011	Travel time to return to Florida from after Settlement Conference on 9/23/11	T1.0	2.00	Attorney hours resulting from long distance travel of Plaintiffs' pro hac vice counsel
9/27/2011	Starting to prepare Statement of Facts for fee application (2hrs/2 files=1.0 hr)	F	1.00	Attorney hours devoted to fee application.
9/27/2011	Reviewing Lanni v. State of NJ; Reviewing Truesdell v. The Philadelphia Housing Authority (2.0hrs/2 files=1.0)	F	1.00	Attorney hours devoted to fee application.

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Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
296	9/28/2011 Reviewing Ellis v. Ethicon; Reviewing Illinois National v. Wyndham (1.6hrs/2 files= 8)	F	0.80	Attorney hours devoted to fee application.
297	9/29/2011 Reviewing Wade v. State Trooper; Reviewing Public Interest Research v. Windall (1.0hr/2 files= 5)	F	0.50	Attorney hours devoted to fee application.
298	9/30/2011 Preparing discussions in fee application concerning corrective measures to be undertaken (2.0hrs/2 files=1.0)	F	1.00	Attorney hours devoted to fee application.
299	10/3/2011 Continuing to prepare Fee Application (4.0hrs/2 files=2.0)	F	2.00	Attorney hours devoted to fee application.
300	10/4/2011 Phone calls with expert Jonathan Alpert (.3); Preparing discussion in brief and demonstrate time required in consolidated dates (1.1) (1.4hrs/2 files= .7)	F	0.70	Attorney hours devoted to fee application.
301	10/5/2011 Preparing discussions in fee application concerning time & labor required; Reviewing Prandini v. National Tea Company (2.0hrs/2 files=1.0)	F	1.00	Attorney hours devoted to fee application.
302	10/10/2011 Conference with expert Mr. Alpert (2.0); Phone call(s) with Mr. Brady (.5); Preparing Certificate of Mr. Brady (.7) (3.2hrs/2 files=1.6hrs)	F	1.60	Attorney hours devoted to fee application.
303	10/11/2011 Preparing listing of injunction relief obtained at Caesars Hotel & Casino; Preparing listing of injunction relief obtained at Bally's Hotel & Casino (6.0hrs/2 files=3.0)	F	3.00	Attorney hours devoted to fee application.
304	10/12/2011 Making final revisions to fee application (3.8hrs/2 files=1.9)	F	1.90	Attorney hours devoted to fee application.
305	10/13/2011 Conference with expert Mattera for discussions regarding expert services rendered (1.6hrs/2= .8)	F	0.80	Attorney hours devoted to fee application.
306	10/14/2011 Phone call(s) with Mr. Alpert (.4hrs/2= .2)	F	0.20	Attorney hours devoted to fee application.
307	10/14/2011 Making final revisions to application for fees and costs (3.0hrs/2=1.5)	F	1.50	Attorney hours devoted to fee application.
308				

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv-Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
309				
310				
311				
312	Alan R. Ackerman, Esquire			
313				
314	Receipt and review of Complaint against Bally's Park Place, Inc. and supporting documents; 1.0 hour	0	1.00	Unnecessary.
315	Correspondence to process server on Defendant Bally's Park Place, Inc.'s registered agent to serve Summons, Compliant and pro hac vice motion; 0.4 hours	5.4	0.40	Task could have been conducted by legal staff.
316	Receipt and review of Return of Service on Defendant Bally's Park Place, Inc. and attendance to filing same with the Court; 0.3 hours; Review of pleadings and attendance to filing motion to admit John P. Fuller, Esq., pro hac vice and supporting documents with the Court; 0.5 hours	519.4	0.80	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel
317	Receipt and review of Court Order permitting John P. Fuller, Esq. to appear pro hac vice in the matter of Access 4 All, Inc. et. Als. V. Bally's Park Place, Inc.; 0.3 hours	519.2	0.30	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-03817-RMB-JS Document 128 Filed 06/28/12 Page 88 of 114 PageID 2447

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and L

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
318	11/6/2008 Preparation of Request by Local Counsel for Pro Hac Vice Attorney, John P. Fuller, Esq., to Receive Electronic Notification on Access 4 All, Inc. et. als. V. Bally's Park Place, Inc. and attendance to filing same; 0.3 hours	S.R. 1.5	0.30	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel. Task could have been conducted by legal staff.
319	1/23/2009 Receipt and review of Bally's response to Plaintiff's Admissions; 0.5 hours	—	0.50	
320	4/6/2009 Receipt and review of Order of Consolidation; 0.3 hours	1 —	0.15	
321	7/15/2009 Receipt and review of Defendant's Answers to Interrogatories	—	1.15	
322	7/18/2009 Receipt and review of discovery propounded upon Plaintiff	—	0.35	Mr. Ackerman represents that each correspondence to the Court took him 0.4-0.5 hours and required a prior file review of 0.3 to 0.5 hours. Defendants respectfully request that this Court disallow the file reviews.
323	8/3/2009 Review of file; 0.4 hours Correspondence to the Court; 0.5 hours	0	0.45	Defendants acknowledge 0.5 hours may, in certain cases, be an appropriate amount of time for Mr. Ackerman to bill for his correspondence to the Court. In other cases, it is an excessive amount of time. As Mr. Ackerman does not specify the nature of the correspondence that he sent to the Court on each occasion, Defendant respectfully requests that this Court allow 0.25 hours for each correspondence and disallow the remaining 0.25 hours.
324	8/4/2009 Receipt and review of Lichtenstein's letter to the Court; 0.4 hours Receipt and review of correspondence from the Court; 0.5 hours	—	0.45	
325	8/4/2009 Receipt and review of Defendants' Interrogatories propounded upon Plaintiff; 0.4 hours	—	0.20	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
326	9/15/2009 Receipt and review of correspondence from the Court; 0.3 hours	—	0.15	
327	9/17/2009 Receipt and review of Valentino's letter to the Court	—	0.15	
328	9/24/2009 Receipt and review of Plaintiff's Verified Request for Payment of Reasonable Expenses; 1.0 hour	5.5	0.50	Unnecessary.
329	10/5/2009 Receipt and review of motion to admit Lawrence A. Fuller, Esq. pro hac vice in the matter of Access 4 All, Inc. et. als. v. Boardwalk Regency and attendance to filing same with the Court; 1.0 hour	518.25	0.50	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel
330	10/8/2009 Receipt and review of motion to admit Lawrence A. Fuller, Esq. pro hac vice in the matter of Access 4 All, Inc. et. als. v. Bally's Park place and supporting documents with the Court; 1.0 hour	518.5	1.00	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel
331	10/9/2009 Telephone communication with Lichtenstein; 0.3 hours. Telephone communication with Valentino; 0.3 hours communication with co-counsel; 0.3 hours Correspondence to the Court; 0.3 hours	—	0.60	
332	10/15/2009 Receipt and review of Amending Scheduling Order; 0.3 hours	—	0.15	

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
Date				
10/21/2009	Review of file: 0.3 hours Correspondence to the Court; 0.4 hours Preparation of Request by Local Counsel for Pro Hac Vice Attorney, Lawrence A. Fuller, Esq., to Receive Electronic Notification and attendance to filing same; 0.3 hours	0	0.35	Lawrence A. Fuller spent 0.7 hours drafting this letter. Defendant respectfully submits that this Court should disallow the additional 0.4 hours that Mr. Ackerman billed for this letter. Mr. Ackerman represents that each correspondence to the Court took him 0.4-0.5 hours and required a prior file review of 0.3 to 0.5 hours. Defendants respectfully request that this Court disallow the file reviews.
10/30/2009	Correspondence to adversary; 0.3 hours	0	0.15	Defendants acknowledge 0.4 hours may, in certain cases, be an appropriate amount of time for Mr. Ackerman to bill for his correspondence to the Court. In other cases, it is an excessive amount of time. As Mr. Ackerman does not specify the nature of the correspondence that he sent to the Court on each occasion, Defendant respectfully requests that this Court allow 0.2 hours for each correspondence and disallow the remaining 0.2 hours.
11/16/2009	Telephone communication with co-counsel; 0.3 hours	0	0.15	Attorney hours related to the admission, and electronic noticing, of pro hac vice counsel. Task could have been conducted by legal staff.
11/18/2009	Communication with Defendants' counsel concerning deposition 0.7 hours Telephone conference with co-counsel 0.3 hours	1	0.50	
11/19/2009	Receipt and review of correspondence from Valentino to the Court; 0.3 hours	1	0.15	

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Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and L

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
339 3/11/2010	Telephone conference with co-counsel; 0.3 hours	—	0.15	
340 5/11/2010	Receipt and review of correspondence from Valentino to the Court; 0.3 hours	—	0.15	
341 5/24/2010	Receipt and review of correspondence from Valentino to the Court; 0.2 hours	—	0.10	
342 8/16/2010	Receipt and review of Plaintiff's Notice of Filing Supplemental Authority and its supporting documents, and attendance to filing same; 1.0 hour	518.4	0.50	Review unnecessary. Excessive.
343 2/11/2011	Correspondence to Court; 0.4 hours	—	0.10	
344 6/8/2011	Correspondence to the Court; 0.3 hours	—	0.15	
345 7/20/2011	Correspondence to the Court; 0.3 hours	—	0.15	
346				
347				
348				
349				
350				
351 Paralegal:				
352				

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
	Download cases; check each citation of brief on standing; prepare front pages including table of contents and authorities of brief on standing; prepare exhibits of brief on standing (time of 4.0 hours divided by 2 with case "Caesar's")	O	2.00	Excessive. Drafting/exhibit preparation tasks could have been conducted by legal staff.
353	11/14/2008		0.25	
354	10/22/2009	—		
	Preparing letter to Client, Ronald Moore with attachments. Prepared and sent letter to Magistrate Schneider in response to opposing counsel's request for an extension of time to submit Defendant's expert report.	—	0.50	
355	3/3/2010	D	3.00	Excessive. Drafting/exhibit preparation tasks could have been conducted by legal staff.
356	6/14/2010	—	0.75	
357	6/18/2010	—	0.43	
358	6/18/2010	—		
359	6/21/2010	—	0.25	
360	6/21/2010	—	0.50	
361	6/28/2010	—	0.50	

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1				
162	5/3/2011		6.75	Task could have been conducted by legal staff. Excessive.
163	6/30/2011	0	0.50	Task could have been conducted by legal staff. Excessive.
164	7/3/2011	SIF 1.8	3.75	Task could have been conducted by legal staff. Excessive.

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-03017-RMB-JS Document 128 Filed 06/28/12 Page 94 of 114 PageID: 2453

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
Date				
7/10/2011	Enlarge (photos 6-26 of Claridge Casino Floor Areas from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 123-128; photos 1-60 of Wild West Casino Floor Areas from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 129-137; photos 1-67 of Bally's Transportation Center from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 138-148; photos 1-6 of Bally's Poker and Racebook from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 149-150; photos 1-13 of Palace Theatre from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 151-153; and photos 1-35 of Claridge Pool and Spa from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 154-159) from 2"x 2" to 8-1/2" x 11", caption photos and print photos for Trial preparation.	SIP3.5	7.00	Task could have been conducted by legal staff. Excessive.
7/16/2011	Enlarge (photo 36 of Claridge Pool and Spa from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, page 159; photos 1-68 of Bally's Pool and to Restaurants in Bally's from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 160-171; photos 1-38 of Access Spa from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 172-176; and photos 1-95 of Bally's Guest Rooms from the report prepared by Gene C. Mattera of AccessSolution.com, Inc. dated 11/24/09, pages 177-188) from 2" x 2" to 8-1/2" x 11", caption photos and print photos for Trial preparation.	SIP3.5	7	Task could have been conducted by legal staff. Excessive.

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv-00817-RMB-JS Document 128 Filed 06/28/12 Page 95 of 114 PageID 2454

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

Itemization of attorney hours and

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
Date				
367 7/23/2011	Photo copy extra set of photos printed from the report of Gene C. Mattera of AccessSolution.com, Inc. for Plaintiffs' counsel for Trial preparation; hole-punch and prepare in binders, original printed photos for Trial for Judge, and extra set of printed photos for Plaintiffs' counsel	5191.0	2.00	Task could have been conducted by legal staff. Excessive.
368 10/14/2011	Gathering exhibits & scanning for presentation to Court (1.4); Preparing Index of Documents (.8); Preparing Table of Contents (.6)	0	2.80	Task could have been conducted by legal staff. Excessive.
369				
370				
371				
372				
373 Costs:				
374				
375	Fuller, Fuller & Associates			
376				
377 9/9/2008	Open/Close File Charge	S	225.00	Unnecessary to litigation. See Access 4 All, Inc. v. 135 W. Sunrise Realty Corp., 2008 U.S. Dist. LEXIS 91674, at *42-*43 (E.D.N.Y. Sept. 30, 2008) (unpublished opinion) (attached to Raatzs Certification as Exhibit O)

Access 4 All, Inc. et al. v. Bally's Park Place, Case No. 1:08-cv-03817-RMB-JG Document 3-1 Filed 06/28/11 Page 96 of 114 PageID: 2455

Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
9/9/2008	Title Search	S	200.00	Undocumented. Defendants assume that Plaintiffs conducted a title search in each matter to ascertain the proper legal names of the corporate Defendants. Like other counsel licensed to practice in this Court, Mr. Ackerman should, and may, know that these names may be obtained through the New Jersey Business Gateway at a cost of \$5 apiece. Furthermore, had Plaintiffs provided Defendants with notice of, and an opportunity to remedy, any alleged ADA violations before instituting these actions, they could have obtained the proper legal names of the Defendants from the Defendants themselves. Defendants respectfully request that this Court disallow the title search charges altogether or, in the alternative, permit Plaintiffs to recover only \$5 for each title search conducted.
9/9/2008	Re-Inspection Fee	S	1500.00	Insufficient description provided. See Access 4 All, Inc. v. 135 W. Sunrise Realty Corp., 2008 U.S. Dist. LEXIS 91674, at *42-*43 (E.D.N.Y. Sept. 30, 2008) (unpublished opinion) (attached to Raatzs Certification as Exhibit O); Spalluto v. Trump International Hotel and Tower, 2008 U.S. Dist. LEXIS 116424 (S.D.N.Y. August 29, 2008) (unpublished opinion) (attached to Raatzs Certification as Exhibit P)

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
380	9/11/2008 Filing fee - Ck # 15966 Filing Fees \$350.00; Pro Hac Vice for John P. Fuller (\$150.00); Service of process (100.00)	5	600.00	Costs related to the admission, and electronic noticing, of pro hac vice counsel
381	9/11/2008 Expert Neff & Assoc. Initial presuit investigation and report - check #15967	5	1000.00	Undocumented.
382	9/16/2008 Federal Express Shipment	0	15.21	Undocumented. Overhead.
383	9/30/2008 Photocopies	0	23.40	Undocumented. Overhead. Excessive.
384	11/30/2008 Photocopies	0	23.85	Undocumented. Overhead. Excessive.
385	12/9/2008 Long Distance Calls	0	5.20	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
386	12/17/2008 Expert Neff & Assoc. further collaboration & conferences with counsel	3	1000.00	Undocumented.
387	1/5/2009 Federal Express Shipment	0	19.37	Undocumented. Overhead.
388	1/31/2009 Postage	0	1.34	Undocumented. Overhead.
389	2/24/2009 Long Distance Calls	0	4.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
390	2/26/2009 Meals and Tip(s), miscellaneous expenses (divided with Boardwalk Regency) (for attorneys to attend hearing on protocol)	5	205.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
391	2/26/2009 Rental car to attend hearing on protocol (divided with Boardwalk Regency)	5	175.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
392	2/26/2009 Hotel for John Fuller to attend hearing on protocol (divided with Boardwalk Regency)	5	225.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
393	2/26/2009 Airfare for John Fuller to attend hearing on protocol (divided with Boardwalk Regency)	5	175.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
394	4/2/2009 Airfare for attorney Fuller to fly for 4/2/09 hearing on protocol (divided with Boardwalk Regency)	5	175.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
395	4/2/2009 Hotel Room for stay in NJ for Attorney Fuller to attend 4/2/09 court hearing (divided with Boardwalk Regency)	5	225.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
396	4/16/2009 Telephone charges Conference Call	0	12.46	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.

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A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
397 5/11/2009	Long Distance Calls	0	1.40	Undocumented. Overhead. Costs related to Plaintiffs' hire of foreign counsel.
398 6/3/2009	Long Distance Calls	0	2.40	Undocumented. Overhead. Costs related to Plaintiffs' hire of foreign counsel.
399 6/23/2009	Travel: Lodging, Meal(s) & Tip(s), Airfare, Car Rental, Gasoline, Airport Parking (for attorney to attend status conference) (Divided with Boardwalk Registry)	5	600.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
400 7/31/2009	Photocopies	5	58.95	Undocumented. Overhead. Excessive.
401 8/11/2009	Long Distance Calls	0	14.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
402 8/17/2009	Travel: Lodging, Meal(s) & Tip(s), Rental Car (divided with Boardwalk Registry) for Attorney to attend inspection	5	350.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
403 8/17/2009	Travel: Airfare for Attorney to attend inspection divided with Bally's	5	225.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
404 9/24/2009	Filing Fees - Ck. #16608 Pro Hac Vice for Lawrence A. Fuller	5	150.00	Costs related to the admission, and electronic noticing, of pro hac vice counsel
405 9/30/2009	Photocopies	5	287.55	Undocumented. Overhead. Excessive.
406 9/30/2009	Expert - Expert Access - Ability Consultants	5	1000.00	Undocumented.
407 10/18/2009	Travel: Lodging, Meal(s) & Tip(s), Rental Car for attorney to attend inspection (Split with Boardwalk Registry)	5	750.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
408 10/18/2009	Travel: Airfare for Attorney to return from inspection (divided with Boardwalk Registry)	5	250.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
409 10/22/2009	Federal Express Shipment	0	12.53	Undocumented. Overhead.
410 10/31/2009	Postage	0	2.58	Undocumented. Overhead.
411 10/31/2009	Photocopies	5	158.40	Undocumented. Overhead. Excessive.
412 11/24/2009	Expert Fee(s) AccessSolutions.com - Attending Rule 34 inspection and preparing report	5	35,800.00	Costs set forth within invoices of Plaintiffs' expert
413 11/30/2009	Postage	0	1.73	Undocumented. Overhead. Excessive.
414 11/30/2009	Photocopies	0	4.65	Undocumented. Overhead.

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Itemization of attorney hours and costs billed to Plaintiffs. Defendant's objection(s) thereto, if any, and C

A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
15	12/1/2009 Expert Fee(s) Access-Ability Consultants, Inc.	3	837.76	Undocumented. Overhead.
16	12/17/2009 Travel: Lodging, Meal(s) & Tip(s), Airfare by Attorney to attend deposition (split with Caesars)	3	602.57	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
17	12/31/2009 Photocopies	3	68.85	Undocumented. Overhead. Excessive.
18	1/14/2010 Long Distance Calls	0	3.00	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
19	1/20/2010 Court Reporter for deposition of Plaintiff Moore	0	656.50	Undocumented.
20	1/31/2010 Long Distance Calls	0	5.60	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
21	3/31/2010 Photocopies	0	2.70	Undocumented. Overhead.

Access 4 All, Inc. et. al. v. Bally's Park Place, Case No. 1:08-cv-
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and De

Itemization of attorney hours and

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
422 4/8/2010	Long Distance Calls	0	2.60	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
423 5/7/2010	Long Distance Calls	0	2.40	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
424 5/31/2010	Photocopies	0	45.00	Undocumented. Overhead. Excessive.
425 6/10/2010	Long Distance Calls	5	85.80	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
426 6/16/2010	Federal Express Shipment	0	28.65	Undocumented. Overhead.
427 6/30/2010	Postage for June	0	2.75	Undocumented. Overhead. Excessive.
428 6/30/2010	Photocopies	5	216.90	Undocumented. Overhead. Excessive.
429 7/15/2010	Long Distance Calls	0	13.60	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
430 8/16/2010	Long Distance Calls July Telephone	0	1.60	Undocumented. Costs related to Plaintiffs' hire of foreign counsel.
431 8/31/2010	Postage	0	1.90	Undocumented. Overhead.
432 11/5/2010	Travel: Airport parking fee; airfare; food & misc expenses; incurred by attorney for attending hearing on 11/3/10	5	600.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel. Undocumented.
433 2/15/2011	Dinner conference with Ron Moore	5	50.00	Unnecessary to litigation.
434 2/23/2011	Airfare from Fla to NJ to confer with client and attend evidentiary hearing on 2/24/11	8	398.80	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
435 2/23/2011	Rental Car to meet client and attend evidentiary hearing on 2/24/11	0	215.40	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
436 2/23/2011	Hotel room to meet client and attend evidentiary hearing on 2/24/11	5	155.48	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
437 2/24/2011	Overnight parking in conjunction with attending evidentiary hearing on 2/24/11	5	30.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
438 2/24/2011	Food in conjunction with attending evidentiary hearing on 2/24/11	5	200.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel

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A	B	C	D	G
	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
1	Date			
439	Fuel in conjunction with attending evidentiary hearing on 2/24/11	0	38.25	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
440	Airport snack re attendance at evidentiary hearing on 2/24/11	0	14.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
441	Outside Photocopying Service - Ck #17540 to Theodore Formaroli for hearing transcript	0	170.28	
442	Taxi to & from airport & court for hearing on 5/12/11	5	95.95	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
443	Airport parking 5/12/11	0	15.00	Costs resulting from long distance travel of Plaintiffs' pro hac vice counsel
444	Photocopies	0	16.00	Undocumented. Overhead. Excessive.
445	Telephone charges	0	14.50	Undocumented. Costs related to Plaintiffs' hire of foreign counsel. Overhead. Excessive.
446	Photocopies	5	68.00	Undocumented. Overhead. Excessive.

Access 4 All, Inc. et. al v. Bally's Park Place, Case No. 1:08-cv
Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and D

A	B	C	D	G
Date	Description of activity as contained in fee application (with typographical errors as in original).	Footnote	Hours billed	Basis for objection to specific entry
447 10/17/2011	Telephone charges	0	32.00	Undocumented. Overhead. Costs related to Plaintiffs' hire of foreign counsel. Excessive.
448				
449			50,191.06	
450				
451			50,191.06	
452				
453			242,701.26	
454				
455	Beginning with this entry, Defendants divide Mr. Ackerman's attorney hours across the two files.			

Access 4 All, Inc. et al v. Bailly's Park Place, Case No. 1:08-cv
 Itemization of attorney hours and costs billed to Plaintiffs, Defendant's objection(s) thereto, if any, and C

Itemization of attorney hours and

APPENDIX 3

Fuller, Fuller & Associates, P.A.
12000 Biscayne Boulevard, Suite 609
North Miami, FL 33181

Invoice submitted to:
Boardwalk Regency Corp

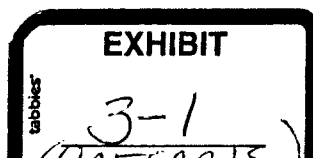
December 19, 2011

In Reference To: Caesars Hotel and Casino
Boardwalk
Atlantic City, NJ

Invoice #11852

Professional Services

	<u>Hours</u>	<u>Amount</u>
<u>JPF</u>		
6/25/2008 conference with Peter Spalluto to discuss matter of ADA violations at Caesar's Hotel	1.30	487.50
7/5/2008 Reviewed initial reports from Herb Neff & Assoc.	1.20	450.00
7/16/2008 Research into ownership of facility with accunit, and general internet search and property search	1.20	450.00
7/17/2008 Reviewed agreement between Boardwalk Regency and Ceaser's Atlantic City as part of researching ownership of facility	1.30	487.50
7/18/2008 prepared complaint and summons	2.80	1,050.00
Prepared letter to Mr. Dipalma with proposed complaint, fee agreement, statement of client's rights	0.40	150.00
prepared letter to Mr. Spalluto with proposed complaint, fee agreement, statement of client's rights	0.40	150.00
7/21/2008 prepared letter to Mr. Ackerman with proposed documents for review and execution	0.30	112.50
8/20/2008 reviewed emails from Mr. Ackerman's office in conjunction with Def's request for 60 day extension, responded thereto	0.20	65.00
phone call to Laureen of Cooper Levenson (left message) for attorney to call me	0.10	37.50



Boardwalk Regency Corp

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	Hours	Amount	
10/14/2011 Making final revisions to application for fees and costs (3.0 hrs/2 = 1.5)	1.50	637.50	
11/18/2011 Phone call(s) with opposing counsel (.3); Reviewing letter from opposing counsel to Court	0.50	212.50	-
12/1/2011 Reviewing 90 page Brief of Defendant's	5.60	2,380.00	- F
12/2/2011 Reviewing cases cited in Defendant's Brief (Paige v. Philadelphia Housing)(W.G. Nichols v. Ferguson)(Pirg v. Powell)	2.60	1,105.00	- F
Reviewing Defendant's Document 120-2 regarding Defendant's Objections to rates charged regarding Boardwalk	2.80	1,190.00	- F
12/3/2011 Starting to prepare reply to Defendant's Brief	5.60	2,380.00	- F
Preparing Motion to Strike	1.00	425.00	- F
12/4/2011 Preparing response to Defendant's argument that Plaintiff's are not entitled to reimbursement for preparing for and attending evidentiary hearing on standing issue (1.5); Preparing response to Defendant's argument that Plaintiff's should not be reimbursed for long distance travel (1.0); Preparing response to Defendant's claim that hourly rates are too high (2.5)	5.00	2,125.00	- F
12/8/2011 Reviewing Order of 12/8/11 (.3)	0.30	127.50	- SIP.2
12/13/2011 Reviewing Defendant's revised Brief in Opposition for Fees (received 12/12/11) and preparing response to Defendant's claim that excessive attorney fees were billed	3.10	1,317.50	- F
Reading 24 page case of Blakey v. Continental, and 15 page case of Arc of NJ v. Township (cited in Defendant's Brief)	0.80	340.00	- F
12/14/2011 Preparing reply to Defendant's argument that excessive time was expended responding to Motions, and that excessive time spent by paralegals.	2.00	850.00	- F
12/17/2011 Making final revisions to Reply to Defendant's Brief	1.80	765.00	- F
1/12/2012 Anticipated time for traveling to and from Ft. Lauderdale to Camden and attending the fee hearing set for January 12, 2012 (time split between 2 files)(9.0 hrs/2 files= 4.5 hrs)	4.50	1,912.50	- F
SUBTOTAL:			
Z-Paralegal			
11/14/2008 Download cases, check each citation of brief on standing; prepare front pages including table of contents and authorities of brief on standing; prepare exhibits of brief on standing (time of 4.0 hours divided by 2 with case "Bally's")	2.00	86,742.50	230.00

Boardwalk Regency Corp

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	<u>Amount</u>
10/19/2011 Photocopies (costs split between Bally's and Caesar's) (316 pages)	71.10
10/20/2011 Photocopies - Color copies of exhibits/reports (165 pages)	165.00
12/1/2011 Photocopies (4 sets of working copies of Defendant's 90 page Brief and 400 pages of exhibits-1960 pages)(Cost split between Bally's and Caesar's)	441.00 -S
12/2/2011 Photocopies (130 pages - copies of case law cited in Defendant's Brief)(costs split between Bally's and Caesar's)	29.25 -10
12/12/2011 Photocopies - (4 sets of working copies of Defendant's 60 page Brief-240 pages) (Cost split between Bally's and Caesar's)	54.00 -S
 SUBTOTAL:	 <u>[44,868.90]</u>
Total additional charges	<u>\$44,868.90</u>
Total amount of this bill	<u><u>\$218,758.10</u></u>

APPENDIX 4

Fuller, Fuller & Associates, P.A.
 12000 Biscayne Boulevard, Suite 609
 North Miami, FL 33181

Invoice submitted to:
 Bally's Park Place, Inc.
 a Foreign Corporation

December 19, 2011

In Reference To: dba Atlantic City Bally's and Claridge Casino Hotel, Atlantic City, NJ
 Invoice #11853

Professional Services

	<u>Hours</u>	<u>Amount</u>
<u>JPF</u>		
8/7/2008 Conference with Mr Spalluto	2.00	750.00
8/22/2008 Reviewed initial report from Herb Neff & Assoc	1.50	562.50
8/29/2008 Phone call(s) with Mr Neff	0.30	112.50
9/2/2008 Researching ownership and reviewing on-line articles about Bally's / Harrahs	1.00	375.00
9/5/2008 Preparing Complaint and Summons	2.50	937.50
preparing pacer search	0.20	75.00
9/8/2008 Preparing letter to Neff & Assoc	0.30	112.50
Traveling to and from and attendance with Mr DiPalma to discuss Complaint	1.80	675.00
9/16/2008 Preparing letter to Mr Ackerman	0.60	225.00
9/24/2008 Reviewing letter from Mr Ackerman	0.10	37.50
10/24/2008 reviewed defendants answer and affirmative defenses	1.00	375.00
10/25/2008 Preparing Motion to strike Jury Demand and proposed Order	1.00	375.00
11/4/2008 Reviewing Defendant's 12 page Motion to Dismiss or in the alternative, Motion for More Definite Statement	1.50	562.50

EXHIBIT

3-2

tabbles

Bally's Park Place, Inc.

Page 10

	Hours	Amount
10/6/2011 Explaining services performed by attorneys and results obtained	1.50	637.50
12/2/2011 reviewed defendant's responsive motion to Plaintiff's motion for attorney's fees	3.50	1,487.50 -F
12/5/2011 Reseach on requirement to provide notice	0.40	170.00 -F
preparing rough draft of Response to def's section on excssive munber of prior lawsuits	2.60	1,105.00 -F
12/6/2011 further preparation of responsive brief on issue of pre-suit notice and serial litigator and reviewing case law on pre-suit notice and on circumstances where cannot reduce fees under fee shifting statue	5.50	2,337.50 -F
12/7/2011 further analysis and preparation of Plaintiff's response to Defendant's Objection to Plaintiffs' Fee Award	3.00	1,275.00 -F
12/8/2011 Further preparation of brief on issues of pre suit notice and vexatious litigant and research on issues of vexatious litigants, pre-suit notice, prevailing plaintiff	2.70	1,147.50 -F
12/9/2011 further review of Defendant's response to Plaintiffs Fee Application and responded to argument concerning necesssity of work on standing and issue of amount of work done after certified plaintiffs case is meritorius	3.50	1,487.50 -F
12/12/2011 reviewing segment on expert fees, initial draft of response on issue of expert fees	2.30	977.50 -F
further preparation of response as to reasons litigation was protracted, further preparation on issue of validity of hours incurred when Spalluto was alive	1.00	425.00 -F
12/15/2011 research law of court's right to deny fees to prevailing expert	1.00	425.00 -F
SUBTOTAL:		
LAF		
	[242.85	96,908.75]
10/13/2009 Travel to Atlantic City for Rule 34 Inspection (6.0 hours divided by 2 = 3.0); Conference with Mr Mattera (1.0)	4.00	1,700.00
10/14/2009 Inspection of Ballys (Regency Boardwalk's inspection on 10/15/09; Ballys inspection on 10/14/09)	8.00	3,400.00
10/15/2009 Returning to Airport and return flight to Florida (6.0 hours divided by 2 files)	3.00	1,275.00
10/20/2009 Phone call(s) with Mr Moore	0.50	212.50
Phone call(s) with Mr Ackerman	0.30	127.50
10/21/2009 Preparing status letter to be sent by Mr Ackerman to Court	0.70	297.50
10/29/2009 Conference with Mr Moore and Mr Ackerman (2.0 hours divided by 2 files)	1.00	425.00

Bally's Park Place, Inc.

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	Hours	Amount
10/12/2011 Making final revisions to fee application (3.8hrs/2 files=1.9)	1.90	807.50
10/13/2011 Conference with expert Mattera for discussions regarding expert services rendered (1.6hrs/2=.8)	0.80	340.00
Phone call(s) with Mr. Alpert (.4hrs/2=.2)	0.20	85.00
10/14/2011 Making final revisions to application for fees and costs (3.0hrs/2=1.5)	1.50	637.50
12/2/2011 Reviewing Defendant's Document 120-3 regarding Defendant's Objections to Rates charged regarding Bally's	2.20	935.00 -F
1/12/2012 Anticipated time for traveling to and from Ft. Lauderdale to Camden and attending the fee hearing set for January 12, 2012 (time split between 2 files)(9.0 hrs/2 files= 4.5 hrs)	4.50	1,912.50 -F

SUBTOTAL:

[247.50 105,187.50]

Z-Paralegal

1/14/2008 Download cases; check each citation of brief on standing; prepare front pages including table of contents and authorities of brief on standing; prepare exhibits of brief on standing (time of 4.0 hours divided by 2 with case "Caesar's")	2.00	230.00
10/22/2009 Preparing letter to Client, Ronald Moore with attachments.	0.25	28.75
3/3/2010 Prepared and sent letter to Magistrate Schneider in response to opposing counsel's request for an extension of time to submit Defendant's expert report.	0.50	57.50
6/14/2010 Download cases; check each citation of brief on standing; prepare front pages including table of contents and authorities of brief on standing; prepare exhibits of brief on standing	3.00	345.00
6/18/2010 Prepared Court's form of Joint Final PT Order.	0.75	86.25
Prepared as directed and electronically file Plaintiffs' Notice of Pending Motion for Summary Judgment.	0.43	49.45
6/21/2010 Prepared as directed and e-mailed letter to both experts regarding deposition transcripts of any depositions they had both been a part of. (time split with Caesar's)	0.25	28.75
Finalized Court's form of Joint Final PT Order and sent to opposing counsel to insert Defendant's portion. (time split with Caesar's)	0.50	57.50
6/28/2010 Spoke to expert James DiLuigi's office regarding follow-up if ever deposed. Referred to an attorney Mr. DiLuigi dealt with on another case but after calling, confirmed Mr. DiLuigi had not been deposed in the past two years.	0.50	57.50

Bally's Park Place, Inc.

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	<u>Amount</u>
2/25/2011 Airport snack re attendance at evidentiary hearing on 2/24/11	14.00
3/2/2011 Outside Photocopying Service - Ck.#17540 to Theodore Formaroli for hearing transcript	170.28
5/12/2011 Taxis to & from airport & court for hearing on 5/12/11	95.95
Airport parking 5/12/11	15.00
5/30/2011 Photocopies	16.00
Telephone Charges	14.50
10/17/2011 Photocopies	68.00 -S
Telephone Charges	32.00 -0
10/19/2011 Photocopies (316 copies - costs split between Bally's and Caesar's)	71.10 -S
10/20/2011 Photocopies - Color copies of exhibits/reports (192 pages)	192.00 -S
12/1/2011 Photocopies (4 sets of working copies of Defendant's 90 page Brief and 400 pages of exhibits-1960 copies)(Cost split between Bally's and Caesar's)	441.00 -S
12/2/2011 Photocopies (130 pages - copies of case law cited in Defendant's Brief)(costs split between Bally's and Caesar's)	29.25 -0
12/12/2011 Photocopies - (4 sets of working copies of Defendant's 60 page Brief-240 copies) (Cost split between Bally's and Caesar's)	54.00 -S
SUBTOTAL:	[49,978.41]
Total additional charges	\$49,978.41
Total amount of this bill	<u>\$256,442.36</u>

APPENDIX 5

APPENDIX 5
NOTES

1. The Court Ordered a joint protocol for all the inspections in the eight consolidated cases. See Report and Recommendation at 2 n.2, infra.
2. The Court is unable to determine how much time was spent conferring with Mr. Moore.
3. It was necessary for plaintiffs to prepare for trial until such time as defendants confirmed the case settled.
4. As to defendants' motion to dismiss filed on October 30, 2008 and responded to by plaintiffs on November 17, 2008 (see No. 08-3817, Doc. Nos. 11, 14; No. 08-4679, Doc. Nos. 8, 11), the Court determined that J. Fuller spent a total of 26.6 hours to research and respond to both motions. The Court finds this is a reasonable expenditure of time given the complexity and importance of the issues.
5. As to defendants' motion for summary judgment filed on May 28, 2010 [Doc. No. 56], the Court determined that plaintiffs spent a total of 26.9 hours to respond on June 15, 2010 [Doc. No. 57] and to do followup work and research. The Court finds this is a reasonable expenditure of time given the complexity and importance of the issues.
6. In connection with the evidentiary hearing before Judge Bumb on February 24, 2011, the Court determined that a total of 19.4 hours were spent by J. Fuller and L. Fuller to prepare for and attend the hearing. The Court finds this is a reasonable expenditure of time given the complexity and importance of the issues. The Court notes that the Fullers did not bill any hours to the Caesar's matter in February 2011. This may account for what appears to be a relatively low number of hours spent on preparing for and attending the February 2011 hearing.
7. As to standing research after the February 24, 2011 hearing (see Doc. No. 76), the Court determined that a total of 24.4 hours was spent. The Court finds this amount excessive given the extensive research and briefing that had already taken place. The Court will reduce this time by 15.3 hours (all of J. Fuller's time).
8. Documentation of these expenses has been provided. (Plaintiffs provided a rental car receipt on January 21, 2011 for \$228.65 that the Court could not locate on plaintiffs' bills.) Since the rental location was Warwick, Rhode Island, and the return was to Boston, MA, the Court suspects the receipt was produced in error.